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THE

HISTORY and PROCEEDINGS

Of the HOUSE of

COMMONS

OF

ENGLAND.

WITH THE

SPEECHES, DEBATES, and CONFERENCES between the Two Houses;

THROUGH EVERY SESSION

From the Year 1660.

Faithfully collected from the best Authorities,
AND
Compared with the JOURNALS of PARLIAMENT.

TOME I.



LONDON:
Printed in the Year M, DCC, XLI.

CHANGE TO COUNTINGS

COMMONS

ENGLAND.

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House of Commons,

FROM THE

RESTORATION.

OT to enter into the Controversy, if it will admit of one; whether the Representatives of a People are accountable to their Constituents; or scrutinize whether it ought to be deem'd an Offence, to lay the Proceedings of our Representatives before those they represent; this is certain, that no History, of Dissertation on State-Affairs of any Kind whatever, is, in any Respect, so serviceable, as a View of our Parliamentary Transactions; especially, if diligently collected, regularly digested, and deliver'd with Candour and Perspicuity. For, by this Means we examine Parties by their own Light, adjust their Characters by their Actions, not their Pretentions, and enable ourselves to form a right Judgment of the Present by the Past: Arguments appear with more Force in the Mouths of the Speakers, than in the most lively Narration: We become acquainted with the Men, their Motives, Prejudices, Capacities and Virtues, as well as the Subjects they canvals; nay, we seem present, become Parties in the most important Debates, and have the Pleasure of approving, or oppoling both Patriot, and Minister in turn, as Artifice or Prejudice discovers itself in either, to the Dif-TOM B I.

Anno racar. II. honour of Truth, and the Detriment of the Common wealth. Here, likewise, the true Grounds and Reasons of every new Law are to be found; the Necessities, real or pretended, for annual and incidental Supplies, together with their Use and Application: The Progress, or Redress of Grievances: And, in fine, whatever lerves to impair or preserve the Constitution.

> Of this comprehensive Nature is the noble Work before us; and, confequently, how much is it to be lamented, that it was not fet on foot long ago: That the Good and Ill of every Parliament, nay every Seffion, might have been more particularly known; and the principal Actors in each, branded with the Infamy, or rewarded with the Honour which their

honest, or corrupt Behaviour deserv'd?

No Cost, or Diligence, however, has been spar'd to glean up every valuable Relique that Time has left us, either to illustrate or adorn this Collection; which we hope, we may, without Vanity, affirm to be the most perfect extant.

The Period from whence we fet out, is that most remarkble one of the Restoration: When the Wheels of Government return'd to their antient Track; and from whence, as will appear in the Course of these Papers, they again deviated by Degrees, till the Appearance of a new System of arbitrary Power brought on the Revolution. This Interval contains one complete Section of the British Story. That from the Proclamation of William and Mary to the Death of the late Queen Anne, another. And as to the Determination of the next which enfued, it must be left to some future Historian.

The fluctuating State of the Public Affairs, after the Death of the great Cromwell, having, at last, lodg'd all Power in the Army; and Monk, their General, having either too much Honesty, or too little Genius to sway the Sceptre himself; a way was open'd for the hitherto-un-fortunate King Charles, to become a Sovereign in Fact, as well as Name: Previous to which extraordinary Event. he was pleas'd to fend Sir John Greenvil from Breda, with feveral Dispatches, and among the rest, the following Letter to (Sir Harbottle Grimstone) the Speaker of the House of Commons.

· CHARLES R.

The King's Letter from Breda to the House of Commons.

Rufty, and Well-beloved, We greet you well: In these great and insupportable Afflictions and Calamities under which the poor Nation hath been fo long 'exercis'd, and by which it is so near exhausted, We cannot think of a more near and proper Remedy, than to refort to those for Counsel and Advice, who have ' feen, and observ'd the first Beginning of our Miseries, the Progress from bad to worse, and the Mistakes and Mist Anno 12 Car. II. understandings which have been produc'd, and contributed 1660.

to Inconveniences which were not intended; and, after for many Revolutions, and the Observation of what hath attended them, are now trusted by our good Subjects to re-

pair the Breaches which are made, and to provide proper Remedies for those Evils, and for the lasting Peace, Hap-

pines, and Security of the Kingdom.

We do affure you, upon our Royal Word, that none of our Predecessors have had a greater Esteem of Parliaments, than we have in our Judgment, as well as from our Obligation: We do believe them to be for vital a Part of the Constitution of the Kingdom, and so necessary for the Government of it, that We well know neither Prince nor People can be in any tolerable Degree happy without them; and therefore you may be confident, That we shall always look upon their Counsels, as the best we can receive; and shall be as tender of their Privileges, and as careful to preserve and protect them, as of that which is most dear to Ourfelf, and most necessary for our own Preservation. And as this is our Opinion of Parliaments; so We are most confident, That you believe and find, that the Preservation of the King's Authority is as necessary for the Prefervation of Parliaments; and that it is not the Name, but the right Constitution of them, which can prepare and apply proper Remedies for those Evils which are grievous to the People, and can thereby establish their Peace and Security. And therefore we have not the least Doubt, but that you will be tender in, and as jealous of, any Thing that may infringe our Honour, or impair our Authority, as of your own Liberty and Property; which is best preferv'd by preferving the other.

'How far we have trusted you in this great Affair, and how much it is in your Power to restore the Nation to all that it hath lost, and to redeem it from any Infamy it hath undergone, and to make the King and People as happy as they ought to be, you will find by our inclos'd Declaration; a Copy of which we have likewise sent to the House of Peers: And you will easily believe, that we would not voluntarily, and of Ourself, have reposed so great a Trust in you, but upon an entire Considence that you will not abuse it, and that you will proceed in such a Manner, and in such a due Consideration of Us, who have trusted you, that we shall not be ashamed of declining other Assistance, (which we have Assurance of) and repairing to you for more natural and proper Remedies for the Evils we would be freed from; nor

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forry, that we have bound up our own Interests so entirely with that of our Subjects, as that we refer it to the fame.

Powers to take care of us, who are trusted to provide for them.

We look upon you as wife, dispassionate Men, and good Patriots, who will raise up those Banks and Fences which have been cast down, and who will most reasonably hope, That the same Prosperity will again spring from those Roots, from which it hath heretofore and always grown; nor can we apprehend that you will propose any Thing to Us, or expect any Thing from Us, but what We are as

ready to give, as You to receive.

If you defire the Advancement and Propagation of the Protestant Religion, we have, by our constant Profession, and Practice of it, given sufficient Testimony to the World, that neither the Unkindness of those of the same Faith towards Us, nor the Civiliries and Obligations from those of a contrary Profession, (of both which we have had an abundant Evidence) could, in the least Degree, startle us; or make us swerve from it: and nothing can be proposed to manifest our Zeal and Assection for it, to which we will not readily consent. And we hope, in due Time, to propose somewhat to you for the Propagation of it, that will satisfy the World that we have always made it both our Care and Study, and have enough observed what is most likely to bring Disadvantage to it.

If you defire Security for Those who, in these calamitous Times, either witfully or weakly have transgress'd those Bounds which were prescribed, and have invaded each others Rights, We have left to you to provide for their Security and Indemnity, and in such a Way, as you shall think just and reasonable; and by a just Computation of what Men have done and suffered, as near as is possible,

to take care that all Men be fatisfy'd.

If there be any crying Sin, for which the Nation may be involved in the Infamy that artends it, We cannot doubt but that you will be as folicitous to redeem it, and vindicate the Nation from the Guilt and Infamy, as We can. If you defire that Reverence and Obedience may be paid to the fundamental Laws of the Land, and that Juffice may be equally and impartially administer d to all Men, it is that which We defire to be fworm to Ourfelf, and that all Persons in Power and Authority should be so too. In a word, there is Nothing that you can propose that may make the Kingdom happy, which we will not contend with you to compass; and, upon this Considence and Afformance, We have thought fit to send you this Declaration, that you may, as much as is possible at this

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Diffance, fee our Heart, which when God fruit bring us Amo toc nearer together (as we hope he will do thortly) will appear to you very agreeable to what we have profess do and we hope that we have made that right Christian Ute of our Africtions, and that the Observation and Experience, we have that in other Countries have been fuch, as that we, and we hope all our Subjects, whall be the bener for what we have seen and suffer d.

We first add no more but our Prayers to Almighty God that he will blef your Counfels, and direct your Endeavours, that his Glory and Worthip may be provided for, and the Peace, Honour and Happinels of the Nation may be effablish'd on those Foundations which can

best support it. And so we bid you farewel.

His Majefty's Doclaration from Breda. I F the general Diffraction and Confusion, which is Declaration.

I spread over the whole Kingdom, dath not awaken which have to many Years together been kept bleeding, may be bound up, all We can fay will be to no Purpote. However, after this long Silence, We have thought it our Duty to declare how much We defire to contribute thereunto: And That, as we can never give over the Hope, in good Time, to obtain the Polletion of that Right, which God and Nature bath made our Due; for We make it our daily Suit to the Divine Providence, that ! He will, in Compation to Us and our Subjects, after fo long Milery and Sufferings, remit, and put Us into a quiet and peaceable Possession of that our Right, with as little Blood and Damage to our People as is possible; not do we defire more to enjoy what is Ours, than that all our Subjects may enjoy what by Law is Theirs, by a full and entire Administration of Justice throughout the Land, and by extending our Mercy where it is wanted and deservid. And to the end that Fear of Punishment may not engage any, confeious to themselves of what is past, to a Perfeverance in Guilt for the future, by opposing the Quiet and Happiness of their Country, in the Restoration both of King, and Peers, and People to their just, ancient and fundamental Rights; We do by these Presents declare, That We do grant a free and general Pardon, which We are ready, upon Demand, to pass under our Great Seal of England, to all our Subjects of what Degree or Quality soever, who within Forty Days after the Publishing hereof, shall lay hold upon this our Grace and Favour, and shall by any publick Act declare " their doing so, and that they return to the Loyalty and Obedience of good Sabjetts, excepting only fuch Persons as shall

Anno 12 Car. H. ' hereafter be excepted by Parliament. Those only excep-

ted, let all our Subjects, how faulty foever, rely upon the Word of a King, folemnly given by this present Declaration, That no Crime what foever committed against Us, or our . Royal Family, before the Publication of this, shall ever rife in Judgment, or be brought in Question, against any of them, to the least Indamagement of them, either in their Lives, Liberties, or Estates, or (as far forth as lies in our Power) fo much as to the Prejudice of their Reputations, by any Reproach or Terms of Distinction from the rest of our best. Subjects; We desiring and ordaining, That, henceforward, all. Notes of Discord, Separation, and Difference of Parties, be utterly abolish'd among all our Subjects; whom We invite and conjure to a perfect Union among Themselves, under our Protection, for the Resettlement of Our just Rights, and Theirs, in a Free Parliament; by which, upon the Word of a King, We will be advised. And because the Passion and Uncharitableness of the Times have produced several Opinions in RELIGION, by which Men are engag'd in Parties and Animolities against each other; which, when they shall hereafter unite in a Freedom of Conversation, will be composed, or better understood; We do declare a Liberty. to tender Consciences; and that no Man shall be disquieted, or called in question for Differences of Opinion in Matters of Religion, which do not disturb the Peace of the Kingdom; and that We fall be ready to confent to such an Act of Parliament, as, upon mature Deliberation, shall be offer'd unto Us, for the full granting that Indulgence. And because, in the continu'd Distractions of so many Years, and so many and great Revolutions, many Grants and Purchases of Estates have been made to and by many Officers, Soldiers, and others, who are now possessed of the same, and who may be liable to Actions at Law, upon several Titles; We are likewise willing, That all such Differences, and all Things relating to such Grants, Sales, and Purchases, Stall be determined in Parliament; which can best provide for the just Satisfaction of all Men who are concern'd. And we do further declare, That We will be ready to consent to any Act or Acts of Parliament to the Purposes aforesaid, and for the full Satisfaction of all Arrears due to the Officers and Soldiers of the Army under the Command of General Monk; and that they shall be received into Our Service upon as good Pay and Conditions as they now

The next Day after the Receipt of this Letter and Declaration the Commons proceeded to prepare an Answer to both; on which Occasion some of the Members had Spirit and Prudence enough to propose certain Articles on the Model of those fign'd at Killingworth by Heary III, which

the

the King should be oblig'd to swear to, as the Conditions of Anno 12 Car. II. his Restoration: But the Spring-Tide of Zeal and Loyalty, both within doors and without, running too fiercely to be withflood, and the popular Cry being, That they had proceeded too far already in their Vote upon the Receipt of the Letter to fall back again, and offend the King with colder Expressions of their Duty; these wholesome Precautions were, after two Days Debate, given up, and the Result was the following unreserved and courtly Letter:

Most Royal Sovereign,

We your Majesty's most loyal Subjects the Commons of Reply. England, affembled in Parliament, do, with all Humbleness, present unto your Majesty the unseigned Thankfulness of our Hearts for those gracious Expressions of Piety and Goodness, and Love to us and the Nations under your Dominions, which your Majesty's Letter of the 14th of April, dated from Breda, together with the Declaration inclosed in it, of the same Date, do so evidently contain. For which we do, in the first Place, look up to the great King of Kings, and blefs his Name who hath put thefe Things into the Heart of our King, to make him glorious in the Eyes of his People: As those great Deliverances which that divine Majesty hath afforded unto your Royal Person from many Dangers, and the Support which he hath given to your heroic and princely Mind under various Tryals, make it appear to all the World that you are precious in his Sight. And give us Leave to Tay, that as your Majesty is pleased to declare your Confidence in Parliaments, your Esteem of them, and this your Judgment and Character of them, that they are so necessary for the Government of the Kingdom, that neither Prince nor People can be in any tolerable Degree happy without them, and therefore fay that you will hearken to their Councils, be tender of their Privileges, and careful to preserve and protect them; so we trust, and, with all Humility, be bold to affirm, that your Majesty will not be deceived in us, and that we will never depart from that Fidelity which we owe unto your Majesty, that Zeal which we bear unto your Service, and a constant Endeavour to advance your Honour and Great-

'And we beseech your Majesty we may add this farther for the Vindication of Parliaments, and even of the last Parliament, convened under your Royal Father of happy Memory, when, as your Majesty well observes, through Mistakes and Misunderstandings, many Inconveniencies were produc'd which were not intended, that those very Inconveniencies could not have been brought upon us by those Persons who had design'd them without violating the Parliament. For they well knew it was not possible to do

The Commons

o 22 Car. II, a Violence to that facred Person whilft the Parliament? which had vow'd and covenanted for the Defence and Safety of that Person, remain'd entire. Surely, Sir, as the Persons of our Kings have ever been dear unto Parliaments, so we cannot think of that horrid Act committed against the precious Life of our late Sovereign but with fuch a Detestation and Abhorrency as we want Words to express it; and, next to wishing it had never been, we wish it may never be remember'd by your Majesty, to be unto you as an Occasion of Sorrow; as it will never be remembered by us but with shar Grief and Trouble of Mind which it deserves, being the greatest Reproach that ever was incurr'd by any of the English Nation, an Offence to all the Protestant Churches abroad, and a Scandal to the Profession of the Truth of Religion here at home; though both Profession and true Professors, and the Nation itself, as well as the Parliament, were most innocent of it, it having been only the Contrivance and Act of some few ambitious and b dody Persons, and such others as by their Influence were milled. And as we hope and pray that God will not impute the Guilt of it, nor of all the evil Consequences thereof, unto the Land, whose divine Justice never involves the Guiltless with the Guilty, so we cannot but give due Praise to your Majesty's Goodness, who are pleased to entertain such reconcil'd and reconciling Thoughts, and with them not only meet, but as it were prevent your Parliament and People, proposing yourself in a great measure, and inviring the Parliament to confider farther and advise your Majesty what may be necessary to resfore the Nation to what it hath loft, raise up again the Banks and Fences of it, and make the Kingdom happy by the Advancement of Religion, the Security of our Laws, Liberties, and Estates, and the removing all Jealousies and Animosities which may render our Peace less certain and durable Wherein your Majesty gives a large Evidence of your great Wisdom; judging aright, that, after so high a Distemper, and such an univerfal Shaking of the very Foundations, great Care must be had to repair the Breaches, and much Circumspection and Industry used to provide Things necessary for the strengthning those Repairs, and preventing whatever may disturb or weaken them.

> "We shall immediately apply ourselves to the preparing of these Things; and, in a very short Time, we hope to be able to present them to your Majesty; and, for the prefent, do, with all humble Thankfulness, acknowledge your Grace and Favour, in affuring us of your Royal Concurrence with us, and faying, that we shall not expect any Thing from you but what you will be as ready to give as

we to receive; and we cannot doubt of your Majesty's effe- Anno 12 Car. II; ctual Performance, fince your own princely Judgment hath prompted unto you the Necessity of doing such Things, and your Piety and Goodness hath carried you to a free Tender of them to your faithful Parliament. You speak as a gracious King, and we will do what befits dutiful, loving and loyal Subjects, who are yet more engaged to honour and highly esteem your Majesty for your declining; as you are pleased to say, all foreign Assistance, 'and rather trusting to your People, who, we do affure your Majesty, will and do open their Arms and their Hearts to receive you, and will spare neither their Estates nor their Lives when your Service shall require it of them.

And we have yet more Cause to enlarge our Praise and our Prayers to God for your Majesty, that you have continued unshaken in your Faith, that neither the Temptation of Allurements, Persuasions and Promises from seducing Papists on the one hand, nor the Persecution and hard Ufage of some seduc'd and misguided Professors of the Protestant Religion on the other hand, could at all prevail on your Majesty to make you forsake the Rock of Israel, the God of your Fathers, and the true Protestant Religion in which your Majesty hath been bred, but have still been as a Rock to yourfelf, firm to your and our God, even now expressing your Zeal and Affection for the Protestant Religion, and your Care and Study for the Propagation thereof. This hath been a Rejoicing of Heart to all the Faithful of the Land, and an Affurance to them that God would not forfake you; but, after many Trials, which should but make you more precious, as Gold out of the Fire, would restore your Majesty to your Patrimony, and People with more Splendor and Dignity, and make you the Glory of Kings and the Joy of your Subjects; which is and ever shall be the Prayer of your Majesty's most loyal Subjects the Commons of England, affembled in Parliament.

Sign'd, HARBOTTLE GRIMSTONE, Speaker.

The Letter being engross'd and sign'd, Sir John Greenvil was appointed to attend the House; and being conducted to the Bar, the Speaker stood up, and thus address'd himself to him: I need not tell you with what grateful Hearts the Com- Thanks given mons have received his Majesty's gracious Letter; you yourself to Sir John being an Ear and Eve Witness of it. Our Palls and an Party Greenvil being an Ear and Eye-Witness of it: Our Pells and our Bonfires have already began the Proclamation of his Majesty's Goodness, and of our Joys: We have told the People, That our King, the Glory of England, is coming home again, and they have resounded it back in our Ears, That they are ready, and that their Hearts are ready to receive Him: Both Parliament and TOME I.

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1660.

lanota Car. II. People have cry'd aloud to the King of Kings in their Prayers Long live King Charles the Second! I am likewife to sell you, That the House do not think fit that you return back to our Royal Sovereign without some Testimony of our Respects to yourself; and therefore have ordered that Five Hundred Pounds shou'd be deliver'd to you to buy you a Jewel, as a Badge of that Honour which is due to a Person whom the King has honour d with so gracious a Message: And I am commanded in the Name of the House to return you their very hearty Thanks.

> The next great Affair that took up the Attention of the House was, in conjunction with the Lords, to proclaim the King, which was done in the following Form, as agreed

upon in a Conference between the Two Houses.

The Proclamation,

'Altho' it can no way be doubted but that his Majesty's Right and Title to his Crown and Kingdoms, is, and was every way compleated by the Death of his most Royal Father of glorious Memory, without the Ceremony or Solemnity of a Proclamation; yet, fince Proclamations in such Cases have been always used, to the End that all good Subjects might upon this Occasion testify their Duty and Respect; and since the armed Violence, and other the Calamities of many Years last past, have hitherto deprived us of any fuch Opportunity, whereby we might express our Loyalty and Allegiance to his Majesty: We therefore the Lords and Commons now affembled in Parliament, together with the Lord-Mayor, Aldermen, and Commons of the City of London, and other Free Men of this Kingdom now prefent, do, according to our Duty and Allegiance, heartily, joyfully, and unanimoufly proclaim. That immediately upon the Decembe of our late Sovereign Lard King Charles, the Imperial Crown of the Realm of England, and of all the Kingdoms, Dominions, and Rights belonging to the same, did, by Inherent Birth-Right and Lawful Undoubted Succession, descend and come to his most Excellent Majesty Charles the Second, as being Lineally, Justly, and Lawfully next Heir of the Blood Royal of this Realm; and that by the Goodness and Providence of Almighty God, He is, of England, Scotland, and Ireland, the most Potent, Mighty, and Undoubted King; and thereunto We most humbly and faithfully fubmit, and oblige our Selves, Our Heirs, and Posterity for ever. God fave the King.

Soon after this the two Honses sent over a Deputation to the King to invite him home, which, on the Side of the Commons, was accompany'd with large * Presents in Money, both to his Majesty and his two Brothers, the Dukes of York and Gloucester. The Instructions given to the Commissioners on this unprecedented Occasion are as follow:

Instructions

^{50,000} h to the King; 10,000 l, to the Duke of York; and 2000 l. to the Duke of Gloucefter,

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Instructions for Aubrey Earl of Oxford, Charles Earl of Warwick, Annota Car. II. Lyonel Earl of Middlefex, Leicester Viscount Hereford, George Lord Berkeley, Robert Lord Brooke, the Lord Herbert, the Lord Mandevile, the Lord Bruce, the Lord Castleston, the Instructions to Lord Falkland, the Lord Fairfax, * Denzill Holles Esq; the Committee. Sir Horatio Townsend, Sir John Holland, + Sir Anthony Albley-Cooper, Sir George Booth, and Sir Henry Cholmley.

COU are to begin your Journey towards his Majesty on || Friday next, and make a speedy Repair to such || 18 May, 1660. Place where his Majesty shall be, and humbly to present the Letters wherewith you are respectively intrusted by both Houses of Parliament

You are to acquaint his Majesty with what great Joy and Acclamation he was proclaimed, in and about the Cities of London and Westminster, upon the Eighth Day of May inflant, and present the Proclamation itself to his Majesty; and to acquaint him with the Orders of both Houses to have the same proclaimed throughout the Kingdoms of England and Ireland, Dominion of Wales, and the Town of Berwick upon Tweed; and that both Houses have ordered, That all and every the Ministers throughout the Kingdoms of England and Ireland be enjoined in their public Prayers to pray for his most Excellent Majesty, and for the most Illustrious Prince James Duke of York, and the rest of the Royal Progeny. And also that they have ordered, That the affumed Arms of the late pretended Commonwealth, wherever they are standing, be taken down, and that his Majesty's Arms be set up in stead thereof: And you are to communicate to his Majelty the Resolutions of both Houses relating to this Instruction.

You are to acquaint his Majesty with the earnest Desire of both Houses, That his Majesty will be pleased to make a speedy Return to his Parliament, and to the Exercise of his Kingly Office, and that in order thereunto both Houses have given Directions to General Montague, one of the Generals at Sea, and other Officers of the Fleet, to observe fuch Commands as his Majesty shall please to give him or them for disposal of the Fleet, in order to his Majesty's Return: and you are to communicate to his Majesty the Resolutions of both Houses relating to this Instruction.

That the Committee from both Houses do befeech his Majesty that they may know where he purposeth to take Shipping, and to land at his coming over, that Preparation may be made for his Reception; and which of his Majesty's Houses he intendeth to make use of at his first coming to London, and whether he will come all the Way by Land

Afterwards made Lord Holles in the fame Reign, and fent Ambassadar to France, + Afterwards Earl of Shaftsbury and Lord Chancellor.

Anno 12 Car, II. after he comes on Shore, or whether he will please to come by Water from Gravesend to London; and that his Maje-

fly will declare in what Manner he is pleased to be receiv'd.

Will. Jeffop, Cl. of the Commons House of Parliament.

Mr. Denzill Holles to the King at Breda.

The Speech * made thereupon by the Honourable Denzill Holles Efq; one of the Commissioners.

Dread Sovereign, 7 Our faithful Subjects the Commons of England, affembled in Parliament, have fent us hither, Twelve of their Number, to wait upon your Majesty, and, by their Commands, we are here prostrate at your Royal Feet, where themselves are all of them present with us in the fincere and most loyal Affections and Desires of their Hearts, and would have been in their Persons, if your Majesty's Service, and the Trust reposed in them by all the several Parts of the Kingdom did not necessarily require their Attendance and Continuance in the Place where they now are, and where all their Thoughts and Endeavours are wholly taken up and employed in those two great and main Works, which are the proper and genuine Ends of all Parliaments, the Advancement of their King's Service, and the Dif-

charge of their Country's Truft.

And certainly, Sir, we can speak it with a great deal of Joy, and with no less of Truth, that never Parliament made greater Demonstrations of Zeal, Affection and Loyalty to any of the Kings of England than this Parliament hath done, and doth, and we hope, and doubt not, nay we know it, that it ever will do unto your Majesty, our Liege Lord and King. Their Hearts are filled with a Veneration of you, Longings for you, Confidence in you, and Defires to fee and ferve you; and their Tongues do, upon all Occafions, express it, and in so doing they are (according to the Nature of Parliaments) the true Representative of the whole Nation; for they but do that in a more contracted and regular Way, which the Generality of the People of the Land, from one End of it to the other, do in a more confused and disorderly Manner, yet as heartily and as affectionately, all Degrees, and Ages, and Sexes, high and low, rich and poor (as I may say) Men, Women, and Children, join in sending up this Prayer to Heaven, God bless King Charles! long live King Charles! So as our English Air is not susceptible of any other Sound, and echoes out

^{*} Ludicav, and after him Oldmixon, give us to understand that Mr. Holles was interrupted in the Delivery of this Speech by Mr. H. Howard, Brother to the Earl of Arundel, who infifted that the Honour of being Spokesman belonged to another of the Commissioners; but Mr. Holles bad the Spirit to proceed notwithflanding.

nothing else; our Bells, Bonfires, Peals of Ordnance, Anno 12 Carall. Vollies of Shot, the Shouts and Acclamations of the People, bear no other Moral, have no other Signification but to triumph, in the Triumphs of our King in the Hearts of

his People.

Your Majesty cannot imagine nor can any Man conceive it but he who was present to see and hear it, with what Joy, what Chearfulness, what lettings out of the Soul, what Expressions of transported Minds, a stupendous Concourse of People, attended the Proclaiming of your Majesty, in your Cities of London and Westminster, to be our most potent, mighty, and undoubted King: The oldest Man living never saw the like before, nor is it probable, scarce possible, that he who hath longest to live will ever see the like again, especially (and God forbid he should) upon such an Occasion, for we wish and heartily pray that your Majesty may be the last of Men of the Generation now in being, who shall leave his Place to a Successor.

We have here the Proclamation itself to present unto your Majesty and the Order of the two Houses enjoining it to be proclaimed throughout England, Ireland, and your Dominions of Wales; and, likewise, their Orders for all Ministers in their public Prayers to pray for your Majesty, and for the Illustrious Prince the Duke of York your Majesty's Brother, and for the rest of the Royal Progeny; and another Order of theirs for taking down every where the assumed Arms of the late pretended Commonwealth, and setting up the Arms of your Majesty in their stead.

[Here he tendred the Proclamation and the several Orders unto his Majesty, offered to read them, but then said, he thought that his Majesty had already received them from the Lords, and that, therefore, it would be but a Trouble to his Majesty to hear them again. To which his Majesty answering, that he had received them, was pleased further to enlarge himself in some Discourse to this effect; expressing his Sense of the Miseries which his People had suffered under those unlawful Governors which had ruled over them, and of his Gladness for their returning unto him, with those good Affections, which they now shewed towards him; adding, that he had always made it his Study, and ever would, to make them as happy as himself; which was the Sum and Substance of what his Majesty said.]

To which was reply'd, with humble Thanks for those gracious Expressions, That his Majesty would ever find both Parliament and People to be full of Loyalty and Obedience unto his Majesty; as his Majesty was of Grace and Goodness towards them. And then he went on with his Speech,

relating

Phase is Cas. II. relating to those Orders and Proceedings of Parliament;

1660. and faid,]

These are some Testimonies of their Love and Assection unto your Majesty, such as can as yet be expressed by them, which are but as a Picture in little, of a great and large Body, which far exceeds in its true and natural Dimensions, the whole Compass of a small Piece of Cloth, on which, notwithstanding, it is drawn and represented to the Life.

And may it please your Majesty to give us leave to say, that as the Assection, so your Subjects Expectations of you are high, and their Longings after you great and vehement. And both Expectations and Longings have increased by the long Time that your Majesty hath been kept from them. Hope deserved makes the Heart sick; and the Sickness still augments till the Thing hoped for be obtained.

You who are the Light of their Eyes, and the Breath of their Nostrils, their Delight and all their Hope, to have been so long banished from them into a strange Land, it is no wonder that the News of your Return should put a new Life into them: What then will it be when their Eyes shall be blessed with the Sight of your Royal Person? And, therefore, are we commanded humbly to acquaint your Majesty with the earnest Desires of both Houses for your speedy Return unto your Parliament, and the Exercise of your Kingly Office; and that, in order to it, they have given Directions to General Montague one of the Generals at Sea, and to the other Officers at Sea, to observe such Commands, as your Majesty shall please to give them for the Disposal of the Fleet: And we have it in our Instructions further to befeech your Majesty to let your Parliament know when, and where, your Majesty purposeth to take shipping, and where to land; and after your coming on shore, whether to come all the way to London by Land, or by Water from Gravefend; and which of your Houses your Majesty intends to make use of at your coming to London; that, accordingly, Provision may be made for your Majesty's Reeeption: For then, and, not till then, will be the Compleating of your Subjects Rejoycing.

True it is (as your Majesty was pleased just now to touch upon it) that, in your Absence, other Lords have had Dominion over them, have reigned and ruled over their Bodies, and Estates; but their better Part, their Hearts and Minds and Souls were free, and did abhor such Rulers, and still continued faithful and loyal to your Majesty, their rightful Lord and Sovereign; and with you, and under you, they now expect to re-enter into the Possession of their antient Rights, and Privileges, to enjoy again their Laws, and Liberties: and, which is above all, their Religion in Purity,

Purity, and Truth; of all which those Lords (who called Annotator, H. themselves fo, and made themselves so, that is, to be so called, but in truth were not fo, for they were nothing less) those kind of Lords, I say, had so long deprived them. This is our Expectation from your Majelty and we are more than confident, we shall not be deceived in it, but that your Majesty will answer and go beyond all that can be expected from you: A King of so many Vows, and of so many Prayers, cannot but crown the Defires of his

Sir, to tell you what Men think, and say, and wish, and even are affured of in relation to your Majefty and the Happiness which your Government will produce, would feem a Description of the Golden Age, that Poets fancy.

Truly we dare not undertake it, in your Majesty's Presence, lest we should be thought to flatter, and should offend the facred Modesty of your Ears, and of your princely Mind. Though it would all be but a real Truth; yet looking like that, which you do not like, we fear you would diflike it for the Look's fake; Great Princes will not be flattered, but really, and truly ferved, and we defire to serve your Majesty in your own Way.

Your Majesty hath been pleased to declare your Royal Intentions unto your Parliament, in your gracious Letters to either House, and the two Houses have severally given unto your Majesty a faithful Account of that grateful Sense, wherewith they have received them, and of their humble Submission unto and Compliance with, all your Majesty's Defires, which by their Letters, in answer unto your Majefty's, they make bold to fignify. That from the House of Peers hath been already prefented, and we who are before your Majesty, are intrusted by the House of Commons with the Delivery of theirs; an Honour not more conferred upon us beyond our Deservings, than embraced and received by us, with an Excess of Joy, and with all due Respect, which is the Errand upon which we are now come. That Letter and the Proclamation and the several Orders, together with Ourselves, our Lives and Fortunes, and the Vows and Services of those who sent us, we do with all Humbleness lay at your Majesty's Feet, lifting up our Hearts and Hands to the God of Heaven, for your Majesty's long and happy Reign over us, and speedy Return unto us.

16 May, 1660.

While the King was yet upon his Return, the Commons The Proceedings proceeded in preparing a Bill for a general Pardon, with of the Parlia-Exception nevertheless to all the surviving Regicides, as ment, with Relikewise the dead Bodies of Bradshaw, Cromwell, Ireton, ral Pardon.

spect to a gene-

inno 12 Car. II. and Pride: Norwithstanding which, Mr. Lenthall, (perhaps he that was Speaker to the great Parliament) giving to far into the new-rais'd Spirit of Loyalty, as to fay in the House,

He that first drew his Sword against the late King, committed as great an Offence as he that cut off his Head; it kindled fuch a Flame of Resentment, that he was immediately order'd into Custody of the Serjeant at Arms, and by Order of the House, received at the Bar, the following Reprimand from

the Speaker:

Mr. Lenthall the Speaker.

Sir, the House has taken very great Offence at some Words you reprimanded by have let fall upon the Debate of this Bill of Indemnity; which, in the Judgment of the House, contain as high a Reslection on the Justice and Proceedings of the Lords and Commons of the last Parliament, in their Actings before 1648; as could be express d. They apprehend there is much of Poison in the said Words; and that they were spoken out of design to inflame, and to render them, who drew the Sword to bring Delinquents to Punishment, and to windicate their just Liberties, into Balance with them who cut off the King's Head : Of which Act they express their Abhorrence and Detestation; appealing to God, and their Consciences bearing them witness, That they had no Thoughts against his Person, much less against his Life. Therefore I am commanded to let you know, that had these Words fallen out at any other Time in this Parliament, but when they had Considerations of Mercy, Pardon and Indemnity, you might have expetted a sharper and sewerer Sentence than I am now to pronounce. But the Disposition of his Majesty is to Mercy; he hath invited his People to accept of it; and it is the Disposition of the Body of this House to be Healers of Breaches, and to hold forth Mercy to Men of all Conditions, so far as may stand with Justice and Justification of themselves before God and Man. I am therefore commanded to let you know, That that being their Disposition, and the present Subject of this Day's Debate being Mercy, you shall therefore taste of Mercy. Yet I am, according to Command, to give you a sharp Reprehension, and I do as sharply and severely as I can, reprehend you for it.

Within two Days after his Arrival, the King made his Appearance for the first time in the House of Lords, and the Commons, with their Speaker, likewise, attending, his Majesty made a short Speech, signifying the Cause of his Coming, viz. To pass the Bills prepared for him, which were of great Importance; as first, An Act for constituting the then Convention to be a Parliament. 2dly, Another to contime the Tax of 70,000 l. per Mensem, for three Months longer. And a third for Continuance of Process and all Judicial Pro-Which being pass'd, the Lord-Chancellor in a handsome Speech told both Houses, 'With how much Readiness his Majesty had pass'd these important Acts, and how willing they should at all times hereafter find

him,

Lord Chancellor Hyde's Speech to both Houfes,

him, to pass any other that might tend to the Advantage Anno 12 Car. II. and Benefit of the People; in a particular Manner desiring, 1660.

in his Majesty's Behalf, That the Bill of Oblivion, in which they had made so good a Progress, might be expedited: That the People might fee and know his Majesty's extraordinary gracious Care to ease and free them from their Doubts and Fears; and that he had not forgotten his gracious Declaration made at Breda, but that he wou'd in all

Points make good the fame.

What next employ'd the House was the Act of Indemnity, the Disbanding the Army, and the fettling the Public Revenues: In the first of which they thought proper to include themselves; making a Resolution in Form, 'That' the House doth declare, that they do, in the Name of themselves and all the Commons of England, lay hold on his Majesty's gracious Pardon mention'd in his Declaration, with reference to the excepting of such as shall be 'excepted in an Act of Pardon!' Which Resolution of theirs was presented to his Majesty, at the Banqueting-House in the Name of the House, by the Hand of Mr. Denzil Holles.

Such Difficulties however occurr'd in the Act of Oblivion, and fuch Advantages were taken of the Delay in feveral Pamphlets publish'd at that Time, which infinuated, that the King's Promises at Breda, were not to be depended upon; that his Majesty thought himself obliged to quicken their Resolutions by a Message to the House, which was deliverd by Secretary Morrice, to the following Effect: 'He, the King, had too ample a Manifesta- The King's tion of their Affections and Duty towards him, to make Message, rethe least Doubt of the Continuauce and Improvement there-lating to the geof, or in the least degree to dislike what they had done, neral Pardon. or to complain of what they had left undone. He knew well the Weight of those Affairs which depended upon their Counsels, and the Time that must unavoidably be fpent, where there must be naturally Difference of Opinions and Judgments amongst those, whose Desires of the Public Peace and Safety were the fame. And that neither He nor They must be overmuch troubled, if they found the good Intentions and unwearied Pains, taken to reduce those good Intentions into real Acts, for the Quiet and Security of the Nation, misrepresented, and mis-interpreted, by those who are in truth much afflicted to see the public Distractions, by God's Blesling, so near an end; and by others upon whose Weakness, Fears and Jealousies, the Activity and Cunning of those ill Men hath had too great an Influence. That how wonderful and miraculous loever the great Harmony of Affections between him and TOME I.

to 12 Car. II. his Subjects is; yet it is not to be thought that God Almighty had wrought that Miracle to that degree, that a Nation fo miferably divided for fo many Years, wou'd be fo foon and entirely united in their Affections and Endeavours, as were to be wished; but that the evil Consciences of many continu'd fo awake for Mischief, that they would not be willing to take Rest themselves, or suffer others to take it: That they all had too fad Experience of the unhappy Effects of Fears and Jealousies, how groundless and unreasonable soever, not to think it very necessary to apply all timely and proper Remedies to those Distempers, and to prevent the Inconveniences and Mischiefs which so naturally flow from thence: That he well forefaw, that the great Violation, which the Laws of the Land had for fo many Years fustain'd, had fill'd the Hearts of the People with terrible Apprehensions of Insecurity to themselves, if all they had faid and done shou'd be liable to be examin'd and punish'd by those Laws which had been so violated. And that nothing cou'd establish the Security of King and People, but a full Provision, that the returning to the Reverence and Obedience of the Law, which is good for All, shou'd not turn to the Ruin of any who were willing and fit to receive that Protection hereafter from the Law, and to pay that Subjection to it, which were just and necesfary. And therefore he made a free Offer of a general Pardon, in such a manner as was express'd in his Declaration; and how ready and defirous he was to make good the fame, appear'd by his Proclamation issu'd out upon and according to their Defire. However, it was evident, That all he had offer'd or did offer, did not enough compose the Minds of the People; nor in their Opinions could their Security be provided for, till the Act of Indemnity and Oblivion was pass'd. He told them, 'He had found great Industry used to persuade his good Subjects, that he had no mind to make good his Promises, which he defired to perform for his own fake as well as theirs. Therefore he did very earneally recommend it to them, That all Expedition might he used in the passing that most necessary Act, whereby his good Subjects generally wou'd be fatisfy'd, that their Security was in their own Hands, and depended upon their future Actions, and that they were free for all past; and so the Endeavours of ill Men wou'd be disappointed, who wou'd persuade them not to do well now, because they had done amis heretofore. 'And that he was the more engag'd to this Recommendation, because upon the Reflection of their eminent Zeal and Affection for his Service, and hearty Concurrence with him in all things defired from them, Men were apt to perfuade others, tho' not believing it

themselves, That the palling this Act was therefore not de- Anno tattar. It. fired, because he did not enough press the Disparch of it; which he did defire from his Heart, and was confident they would the sooner do it, upon his earnest Recommendation.

To this succeeded a second Message to both Houses. which, as it appears, took its rife from some infinuating Advices given to his Majesty from the House of Peers. which will be best explain'd by the King's own Words, viz. His Majesty is well-inform'd of the Value of those Con- A second Mescellions, which are to pass in the Act of Indemnity, which lage, releasing relate entirely to his Majesty's Profits, and which have little all Arrears to or no Relation to the War: He knows well that the Ar- the Crown rears of the Wars, the Alienations with License, Purveyance, Respite of Homage, the Arrears of the Rents still in the hands of the Tenants, and the other Particulars, amount to a vast great Sum; all which are releas'd and discharg'd by this Act. But his Majesty is so well satisfy'd of the good Affection of the House of Commons, and of their Intentions and Resolutions to settle such a Revenue upon his Majesty, as may preserve the Crown from Want, and from being undervalu'd by its Neighbours; that he is refolv'd not to infift upon any Particular, which the House of Commons defir'd his Majesty shou'd release: and therefore as his Majesty thanks the House of Peers for the Information they have given him, and for the Care they have express d for his Majesty's Profit, so he is well contented that that Clause shall pass in such a manner as the House of Commons have set down; and continues his earnest Defires, that all Expedit on be used in passing the said Act in the manner he hath formerly express'd."

His Majesty had not only the Thanks of the House for this obliging Message, but they immediately order'd, That Ways and Means should be consider'd for the settling such a Revenue on his Majesty, as may maintain the Splendor.

and Grandeur of the King's Office, &c.

After several Conferences between the two Houses, the Bill of Indemnity being at length prepar'd, as likewise certain others; as, That, for a Confirmation of judicial Proceedings; Another to pay the Arrears of the Fleet and Army, by a Poll Tax; a third to restrain Usury; and a fourth for a perpenual Thanksgiving on the 29th of May, to commemorate the Restoration; his Majesty came to the House of Peers, and from the Throne, deliver'd the following artful Speech.

My Lords, and Gentlemen of the House of Commons, Have been here sometimes before with you, but never The King's with more Willingness, than I am at this time. And Speech,

Anno 12 Car. II. ' there are few Men in the Kingdom have longed more im-'patiently to have those Bills pass'd, than I have done to pass them; and I hope they will be the Foundation of Peace and Security to us all I do very willingly pardon 'all that are pardon'd by this Act of Indemnity, to that Time which is mention'd in the Bill: Nay, I will tell you, 'That, from that Time to this Day, I will not use great Severity, except in such Cases where the Malice is notorious, and the Public Peace exceedingly concern'd. Bur for the Time to come, the fame Discretion and Conscience, which dispos'd me to the Clemency I have express'd (which ' is most agreeable to my Nature) will oblige me to all Rigour and Severity, how contrary foever it be to my Nature, towards those who shall not now acquiesce, but continue to manifest their Sedition and Dislike of the Government, either in Actions or Words. And I must conjure you all, my Lords and Gentlemen, to concur with me in this just and necessary Severity; and that you will, in vour several Stations, be so jealous of the Public Peace and of my particular Honour, that you will cause exemplary ' Justice upon those who are guilty of seditious Speeches or Writings, as well as those who break out into seditious Actions: And that you will believe those who delight in reproaching and traducing my Person, not to be well-affected to you and the public Peace. Never King valu'd him-' felf more upon the Affections of his People than I do: 'Nor do I know a better Way to make myself sure of your 'Affections, than by being just and kind to you all: And, whilft I am fo, I pray let the World see, that I am pos-' fess'd of your Affections. For your Poll-Bill, I thank you as much as if the Money were to come into my own Cof-' fers; and wish with all my Heart that it may amount to as great a Sum as you reckon upon.—I pray you very earnest-Iy, as fast as Money comes in, to discharge that great Burden of the Navy, and disband the Army as fast as you can; and till you can disband the rest, make a Provision for their Supply. I do conjure you, as you love me, let me not hear the Noise of Free Quarter, which will be imputed to my want of Care and Government, how in-'nocent foever I am. I am fo confident of your Affections, that I will not move you in any thing that immediately re-' lates to myself: And yet I must tell you, That I am not richer, that is, I have not so much Money in my Purse, as when I came to you. The truth is, I have liv'd principally ever fince upon what I brought with me, which was indeed your Money; you fent it to me, and I thank 'you for it. The weekly Expence of the Navy eats up all 'you have given me by the Bill of Tonnage and Poundage: 'Nor have I been able to give my Brothers one Shilling " fince

tl F fince I came into England, nor to keep any Table in my Anno 12 Car. 15. · House but where I eat myself. And that which troubles

me most, is, to see many of you come to me at Whitehall, and to think you must go somewhere else to seek a

Dinner. I do not mention this to you, as any thing that troubles me: Do but take care of the Publick, and for what ' is necessary for the Peace and Quiet of the Kingdom, aud

take your own Time for my own Particular, which I am ' fure you will provide for with as much Affection and

' Frankness as I can desire.'

At the same time the Speaker, Sir Harbottle Grimstone, harangu'd his Majesty with a Speech, which, above all others; displays the new Turn that the Times had taken, as may Part of the be gather'd from the ensiting Passage, which may be Speaker's call'd a Master-piece of Court-Rhetoric. 'There is an Speech on pasother Bill intitled, an Act of Free and General Pardon, Pardon, Indemnity, and Oblivion: It may well be called a free Pardon, for your Majesty was pleased to offer it before we had Confidence enough to ask it, and at a Time when your People had most need of it; and it may as truly be called a general Pardon in respect of the Extensiveness of it. But, looking over a long, black, prodigious, difmal Roll and Catalogue of Malefactors, we there met not with Men, but with Monsters, guilty of Blood, precious Blood, precious Royal Blood, never to be remember'd without Tears; incomparable in all kinds of Villanies that ever were acted by the worst of Miscreants, Perverters of Religion, Subverters of the Government, False to God, Difloyal to the best of Kings, and perfidious to their Country. And therefore we find an absolute and indispensible Necesfity incumbent on us to except and fet some apart for an Antidote to expel the Poison of Sin and Rebellion out of others, and that they may be made Sacrifices to appeale God's Wrath, and fatisfy Divine Vengeance."

After this the House, having received Intimation from his Majesty, that they were to have a speedy Recess, resolved to make good Use of the Time, taking first into Consideration the disbanding the still-formidable Army, and then the fettling the Revenues of the Crown; on which last Head, wisely concluding that the Misfortunes of the late King were originally owing to Want of Money, (his whole Revenue, communibus Annis, from the Year 1637 to 1641, amounting but to 895,819 l. and the present Revenue, together with the Composition for the Court of Wards, amounting to no more than 819,389 l.) they refolved to make a very confiderable Addition; but, before they had brought this grand Affair to an Issue, seven or eight other Bills being ready for the Royal Assent, his Majesty

The Speaker's Speech to the

Anno 12 Car. II came again to the House, and, on presenting the said Royal Favour and Fatherly Kindness unto your People hath naturaliz'd their Affections to your Person, and their Obedience to your Precepts: And as it is their Duty, fo it is their Defire to manifest and evidence the Truth and Reality thereof, by supporting and upholding that Grandeur and Splendor which is due to the Majeffy of fo meritorious a Prince as yourself; and therefore they have resolved, uno Flatu, and Nemine Contradicente, to make up your Majesty's constant and ordinary Revenue twelve hundred thousand Pounds per Amum. But finding, as to some Part of the Settlement of that Revenue, there will be a Necessity of making use of the Legislative Power; and that the Bills brought into the House for that purpose cannot pollibly be made ready for your Royal Affent until the next Meeting of your Houses again, therefore they have taken your Majesty's present Supply into their Consideration; and first how to raise it in the most expeditious Way to answer your present Occasions. They have wrapt up their Affections to your Majesty, and the Trust reposed in them by the People, in one of these Bills here in my Hand, enritled, An Act for the speedy raising of a hundred thousand Pounds for a present Supply, to be levy'd by way of Land-Tax within the Space of one Month .-Sir, they have likewife paffed another Bill with Rules and Infructions how to empower and direct your Commissioners in what manner to disband your Army and Garrisons, and to pay off some Part of your Fleet, and to begin with the Ships now in Harbour. But not knowing for certain whether the Monies upon the Poll-Bill, which is defigned for that Purpose, will be sufficient to defray that Charge, and being unwilling that any Thing should be wanting on their Parts to perfect so good a Work, so acceptable to your Majesty, and so grateful to all your People, they have passed another Act for raising a hundred and forty thousand Pounds, at seventy thousand Pounds per Mensem, to begin the first of November. -Sir, there are other Bills likewise which wait and attend for your Royal Affent; one entitled, An Act for regulating the Bay Trade, which is the only Way to keep up the Credit of that which is now in some Danger to be loft: When the Credit of Trade begins to decline, the Trade itself decays with it, and is never long-liv'd after it. Sir, there is another Bill entitled, An Act for encouraging and encreasing Shipping and Navigation; which will enable your Majesty to give Laws to foreign Princes abroad, as your Royal Predecessors have done before you. Sir, there is another Bill, entitled, An Act

for refloring some Ministers to their Places, out of Annorace. It which they have been long and injuriously ejected and exposed, and for confirming others in vacant Places. Grazy Titles need your Majesty's Help, as much as crazy Bodies need the Help of a Physician: And what your Majesty hath already done in that kind to this Parliament, and what you are now about to do, and what you have ever express'd your Readiness in, if we cou'd be as ready as your Majesty is to give, we hope to banish all Fears and Jealousies out of Mens Minds for the future, and teach them with much Considence and Contentedness to rest, and wholly rely upon your Majesty's Grace and Goodness, for what may be thought further necessary to be done hereafter, when a fitting Opportunity shall be offered at the next Meeting of your Houses of Parliament.

His Majesty having then given the Royal Assent to the

Bills presented to him, he thus declared himself:

' My Lords and Gentlemen, I F my Presence here had not been requisite for the pas- The King's fing these many Bills, I did always intend to see you Speech. together before your Adjournment, that I may again thank you for the many good Things you have done for me and the Kingdom: And in truth, I do thank you more for what you have done for the Public than what you have done for my own Particular; and yet I do thank you for that with all my heart. But I confess to you, I do thank you more for the Provision you have made to prevent Free Quarter, during the Time the Army shall be disbanding, which I take to be given for my Satisfaction, than I do for the Present you have made me for my own particular Occafions. And I do promise you, which is the best Way I can take to gratify you, I will not apply one Penny of that Money to my own particular Occasions, what Shift soever I ' make, 'till it is evident to me that the Public will not stand in need of it; and if it do, every Penny of it shall be difburs'd that way, and I dare fay I shall not be the poorer for it. I cannot but take Notice of one particular Bill I have pasfed, which may feem of an extraordinary Nature [An Act for restoring the Marquess of Hertford to the Dukedom of Somerset.] But you all know it is for an extraordinary ' Person, who hath merited so much of the King my Father and myself as a Subject can do: And I am none of those who think, that Subjects, by performing their Duties in an extraordinary Manner, do not oblige their Princes to reward them in an extraordinary Manner. There ' can be no Danger from fuch a Precedent, and I hope no 'Man will envy him, because I have done what a good Mafter should do to such a Servant. My Lords and Gendemen,

1660.

Anno 12 Car.H. ' tlemen, I will not deny to you, That I had some Inclina-'tion, when I conferred to your Defire for your Recess, to have made a Session, which I thought most agreeable to the ancient Order of Parliaments; and I hope you will 'join with me in reducing of Parliaments to their ancient Rules and Orders, the Deviation from which hath done us no Good. And I think there were never fo many Bills ' passed as I have this Day, without a Session: But upon the Defire, and Reasons given by the House of Commons, for an Adjournment, without a Seffion, I do very willingly ' part from that Inclination, and do as willingly give you Leave, and direct you to adjourn your felves to the Sixth of November, when I hope you will meet again: And in the mean time that you will be welcome to your Countries, and do much Service.

The Substance Ior's Speech at the Adjourn-

After which his Majesty referr'd to the Lord Chancellor, to speak of many other Things which he had to recommend to them, who displayed his Eloquence in a long Speech, confifting of Variety of Subjects, principally tending to the composing and healing of all former Differences. As to the Army, he told them, 'That his Majesty cou'd not take of the Chancel- it unkindly at their hands who thought he wou'd not difband them: It was a fober and rational Jealoufy; fince no other Prince in Europe cou'd be willing to disband fuch an Army, every way so valuable, &c. But what he alledg'd, as the greatest Felicity to a distracted Nation, was the Act of Indemnity; in which he particularly infifted upon that most charitable Clause, 'That made it penal to any Persons who within three Years should maliciously 'call, of object against others any Name or Words of Re-' proach, any ways tending to revive the Memory of the 'late Differences.' Nay farther, he let them know, 'That 'even evil and envious Looks, murmuring and disconten-' ted Hearts, were directly against the Equity of the Statute, and, as far as they were discover'd, shou'd be so esteemed by his Majesty. Therefore he conjured them from the King, 'to join with him in restoring the whole Nation to its primitive Temper and Integrity, to its old Good Manners, to its old Good Humour, and to its old Good Nature: Good Nature, a Virtue so peculiar to them, so appropriated by God Almighty to this Nation, that it can be translated into no other Language, hardly practis'd by any other People.' After this he put them in mind of the necessary Severity that ought to be used towards such as shall still continue to widen the Breaches; but added, 'That too much Ill cou'd not befall those who did the best they cou'd to corrupt his Majesty's Nature, and to extinguifn

guish his Mercy. The whole consisted of great Variety, Anno 12 Car. II. and was fill'd with fuch generous and healing Sentences, as were agreeable to the best of Kings, and best of Ministers; and concluded in these Words, Be but pleas'd your selves, and perfuade others to be so; contrive all the Ways imaginable for your own Happiness, and you will make his Majesty the best pleased and the most happy Prince in the World.

Upon finishing this Speech the King retired, and The Parliament both Houses of Parliament adjourn'd themselves to the fixth adjourn'd for Day of November, after they had fat four Months and near two eighteen Days, from their first Meeting, and three Months and fourteen Days from the King's Arrival; in which Time they compleated as much Business as cou'd possibly be

expected in this great Exigency of Affairs.

On the fixth of November the Parliament met according The second to their Adjournment, and the Commons having comple- Meeting of the mented the Queen-mother on her Arrival in England, and first Parliament, presented 10000 l. to her Daughter, the Princess Henrietta-Maria, and as much more to the Princess of Orange, they proceeded next to complete the disbanding the Army, already greatly diminish'd; upon which Occasion the noted Mr Prynne, defiring the House to be mindful not to do those Mr. Prynnes.

Things which might bring them (the Army) together again, he was called to Order, and with difficulty escaped a severe Censure.

But while the House was busied on this, and other material Points, they received a Message from the King, informing them, that, upon the Account of the Preparations for his Coronation, and other Reasons, he had determined to diffolve them in the End of December; and therefore defired, 'That they might the more vigoroufly apply themselves to the Dispatch of the most important Business that depended before them. Shortly after which the House of Commons represented to his Majesty, 'The great Sense that House had of the many Expressions of Grace which they had received from him in his feveral Declarations; further acquainting him with the great Unanimity of the House in settling a Revenue of Twelve Hundred Thoufand Pounds per Annum on his Majesty, according to their former Vote. To which Vote the King return'd his Thanks for their Care of him, and affured them, That he would employ his Revenue for the Good of them and the Kingdom. In the mean time the Parliament ordered, 'That the several Bodies of Oliver Cromwell, John Brad- They order cershaw, Henry Ireton, and Thomas Pride, be taken out of tain obnoxious their Graves, drawn on a Hurdle to Tyburn, there to be dead Bodies to be hanged at hanged up from Ten o'Clock 'till Sun-fetting, and then Tyburn, buried under the Gallows.' At the same time they made

Anno 12 Car. II, 1660.

an Act of Attainder, which did not only extend to the Blood and Estates of these Four, but also to the nineteen Regicides that sled from Justice, namely, Lisle, Say, Waulton, Whalley, Barkstead, Ludlow, Livesey, Okey, Hewson, Gosse, Holland, Challoner, Cawley, Corbet, Love, Dixwell, Blagrave, Broughton, and Dendy, who by this Act stood adjudg'd, convicted, and attainted of High Treason.

William Drake

The Commons likewise took notice of an inferior Criminal, William Drake, a Citizen and Merchant of London, and drew up an Impeachment against him for writing and publishing a dangerous Book entitled, The Long Parliament Revived, in which he endeavours to prove that the said Parliament was not yet legally dissolv'd. This rais'd a considerable Noise, but they wanted Time to bring it to a Trial.

The Speaker's Speech to the King on the Diffolution.

After a Selfion of near two Months, a Diffolution being expected, on the 29th of December the King came to the House of Peers and passed all the publick and private Bills that were ready for the Royal Assent. The Nature of those that were of a public Concern we find from the following Part of the Speaker's Speech.— 'As I am commanded, I most humbly assure your Majesty, that the many healing Expedients propounded by your Self in your feveral Gracious Declarations, have been the subject Matter upon which your Commons have wrought all this Parliament. And in the first place they took into Consideration the great and growing Charges which then lay upon your People for the Pay of your Army and Navy. And they conceived it necessary to begin with that Part wherein your People have the most Ease, and the greatest Security and Satisfaction; which was the disbanding and discharging the Forces by Sea and Land: And this led them into a Consideration of proper Ways and Means for raising Monies for that Purpose, as the Poll-Bill, and the Assessment of Seventy Thousand Pounds per Month. But those not having done the Work, here are others ready in my Hand: The one entitled, Ant Act for levying the Arrears of the twelve Months Assessment; &c. And the other entitled, An Act for the further Supplying several Defects in the Act for Disbanding all the Forces both by Land and Sea; and they hope this Account will be cleared off at last. Sir, your Commons have likewise taken into Consideration the Charge of your Summer's Fleet, &c. and pass'd a Bill entitled, An Act for six Months Assessment at Seventy Thousand Pounds per Mensem, to begin the first of January. I have three other Bills in my Hand, which have relation to your Majesty's Revenue, and are Branches thereof: The one entitled, An Act for the better ordering the

Selling of Wines by Retail, and for preventing Abuses in the Anno 12 Car. II. Mingling, Corrupting, and Limiting the Prices of the same : And this Bill is tendered to your Majesty to prevent all future Disputes touching the Legality thereof; for we know it is your Majesty's Desire that nothing be done otherwise by any of your Ministers acting under your Command. Another is entitled, An Act for Erecting and Establishing a Post-Office; and this being legally settled, will be of great Use to all your Majesty's Subjects for holding Intelligence with their Factors and Agents in Foreign Parts. other Bill provides for the Encrease of your Majesty's ordinary and constant Revenue, by granting of an Impost upon Ale, Beer, Cyder, and other Liquors, therein express'd, to hold for your Majesty's Life. As it is the Desire of your Commons, that your Majesty might never be necessitated to refort to Extraordinary or Unparliamentary Ways for raising of Money upon your People; so they likewise acknowledge it to be their Duties to support and uphold, to the utmost of their Powers, the Honour and Grandeur of your Majesty's State and Dignity. And for a further Evidence of your Commons dutiful Affections to your Majesty's Royal and Dear Person, they have pass'd another Bill for Raising Seventy Thousand Pounds for your Majesty's further Supply. All which Bills I am commanded humbly to prefent to your Majesty; and to pray your Majesty's gracious Acceptance and Royal Assent.

There are other Bills of public Concernment which have pass'd both Houses, and now artend upon your Majefly for your Royal Affent: The one entitled, An Act for Attainder of several Persons guilty of the horrid Murther of his late Sacred Majesty, your Royal Father of ever-blessed Memory. Another entitled, An Act for Confirmation of Leafes and Grants for Colleges and Hospitals, which will tend much to the quieting of Mens Estates, that in the late unhappy Times were forced to renew and change their Revenues much for the worse, were it not for the Favour your Majesty intends them in this Bill. There is another Bill entitled. An Act to prohibit the Exportation of Wool, Wool-Fells, Fullers-Earth, or any other Scouring Earth; which will be the best Encouragement for the Woollen Manufactures; and without which there would be a double Loss; first to your Majesty in your Customs, and next to your People, who would be discourag'd, and in a short time beaten out of that ancient Native Staple Trade, upon which depends the Substance of many thousand Families. There is another Bill entitled, An Act for prohibiting the Planting, Setting, or Sowing of Tobacco in England and Ireland; which if permitted would occasion the Abatement of your Majesty's Customs,

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Anno 12 Car. II. the Deffruction of your Plantations abroad, and the Discouraging of Navigation, and confequently the Decay of Shipping, which are the Walls and Bulwarks of your Majesty's Kingdom. There is one Bill more, entitled, An Act for taking away the Court of Wards and Liveries, together with Tenure in Capite, Knight's Service, and Purveyances, and for settling a Revenue upon his Majesty in lieu thereof. Bill Ex re nata may properly be called A Bill of Exchange; for as Care is therein taken for the Ease of your People. fo the Supply of that Part of your Majesty's Revenue, which formerly came into your Treasury, by your Tenures and Purveyances, is thereby likewise fully provided for by the Grant of another Imposition upon Ale and Beer, and other Liquors, to hold to your Majesty, your Heirs and Successors for ever. And yet they should not look upon the Considerations mentioned in this Bill as a full Compensation for your Majesty's parting with two such Royal Prerogatives and ancient Flowers of the Crown, if more were not implied than is express'd. For your Tenures in Capite are not only turned into a Tenure of Soccage (which alone will for ever give your Majesty a just Right and Title to the Labour of our Ploughs and the Sweat of our Brows) but they are likewise turned into a Tenure in Corde. What your Majesty had before in your Court of Wards, you will be fure to find hereafter in the Exchequer of all your Peoples Hearts. The King of Spain's Mines will fooner deceive him than this Revenue will fail you: For his Mines have Bottoms, but the deeper your Majesty sinks into the Hearts and Affec-Wealth, and the more invincible your Strength. Royal Sir, you have denied us nothing we have asked this Parliament. Indéed you have out-done your Parliament, by doing much more for us than we could agree among our felves to ask. And therefore we must needs be a Happy Parliament, a Healing Parliament, a Reconciling and Peace-making Parliament, a Parliament propter Excellentiam that may truly be call'd Parliamenti simum Parliamentum.

Upon passing the forementioned Acts, the King made the

following Speech:

The King's Speech.

' My Lords and Gentlemen, Will not entertain you with a long Discourse; the Sum of all I have to fay to you being to give you 'Thanks, very hearty Thanks: And I affure you I find 'it a very difficult Work to fatisfy my Self in my own Expressions of those Thanks. Perfunctory Thanks, Ordinary Thanks for Ordinary Civilities are eafily given; but when the Heart is full as mine is, it is a Labour to thank

thank you. You have taken great Pains to oblige me, Anno ra Car. II. and therefore it cannot be easy for me to express the Sense I have for it. I will enlarge no further to you on this Occasion than to tell you, when God brought me hither, I brought with me an extraordinary Affection and Esteem for Parliaments. I need not tell you how much it is improv'd by your Carriage towards Me: You have out-done all the good and obliging Acts of your Predecessors to-wards the Crown, and therefore you cannot but believe my Heart is exceedingly enlarged with the Acknowledgment. Many former Parliaments have had particular Denominations for what they have done: They have been filed Learned, and Unlearned, and fometimes have had the worst Epithets. I pray let us resolve that This be for ever called the HEALING and the BLESSED PAR-LIAMEMT. As I thank you, though not enough, for what you have done, fo I have not the least Doubt, but when I shall call the next Parliament (which I shall do as foon as you can reasonably expect or desire) I shall receive your hearty Thanks for what I shall then have done fince I have parted with you. For I deal truly with you: I shall not more propose any one Rule to my Self in my Actions and Counsels than this: What is a Parliament like to think of this Action, and this Counsel? And it 'shall be Want of Understanding in me, if it will not bear that Test. I shall conclude with this, which I cannot fay too often, nor you too often where you go: That, next to the miraculous Bleffing of God Almighty, and indeed as an immediate Effect of that Bleffing, I do impute the good Disposition and Security we are all in to the happy Act of Indemnity and Oblivion: That is the principal Corner-Stone which supports this excellent Building, that creates Kindness in us to each other, and Confidence in our joint and common Security. You may be fure I will not only observe it Religiously and Inviolably my Self, but also exact the Observation of it from others: And if any Person shall ever have the Boldness to attempt to perfuade me to the contrary, he would find fuch an Acceptation from Me as he wou'd have who shou'd persuade me to burn Mazna Charta, cancel the old Laws, and erect a new Government after my own Invention and Appetite.

After this he referr'd them to the Lord Chancellor, who displayed his usual Eloquence in a very long Speech, consi- The Substance fring of Variety of Matter. He applauded the Wisdom of the of the Chancel-Houses in the King's Restoration, and likewise in all their lor's Speech. several Proceedings, and particularly told them, 'That he made no doubt but all succeeding Parliaments wou'd pay

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Anno 12 Car. II, to them their Thanks for all they had done, and look upon their Actions, and their Example, with all possible Approbation and Reverence.' As to the Reftoration of the languishing Church to Peace, Unity and Order, he told them, the King had been so careful, that Constantine himself had hardly spent so much of his own Time in private and public Conferences to that purpose.' After many Topics, entering upon the Glory and Reputation of England, he freely told them, 'That they were too partial to it, who believ'd it the best Country in the World: There was better Earth, better Air, and a warmer Sun in other Countries; but he was not unjust when he said, That England was an Inclosure of the best People in the World, when they were well-inform'd and inffructed: A People in Sobriety of Conscience, the most devoted to God Almighty; in the Integrity of their Affections, the most dutiful to the King; in their good Manners and Inclinations, most regardful to their Superiors!' Therefore he defired the House of Commons in their Return home, to affure them, 'That his Majesty thinks himself the happiest and greatest Prince in the World, not from the Situation of his Dominions, and the Power of his great Navy, with which he can vifit his Neighbours, and keep them from visiting him; but from being posses'd of the Affections and Hearts of fuch Subjects; that he does fo entirely love them, and depend upon them, That all his Actions, and all his Counsels shall tend to no other End, but to make them happy and prosperous.' But notwithstanding all this Care and Tenderness of his Majesty, there were still some Men, who by their Writings and Preachings endeavour'd to continue the former Breaches; and fome others had been so dangerous to the public Peace, that they had lately been secured in Prison. And then he proceeded to give them a Narrative 'how a Party of the late disbanded Officers and Soldiers, and others full of Discontent and seditious Purposes, had resolv'd to attempt the Change of the present Government, and to erect a Commonwealth; in which Ludlow, and other desperate Persons, were concern'd. Therefore, upon the account of these unexpected Plots and Conspiracies, he wish'd, 'That their other weighty Affairs would have given them Time to have publish'd their Opinion and Advice in the Business of the Militia; That the People, after fo many Disputes upon that Argument, might have found, That the King and his two Houses of Parliament were as much of the same Mind in that, as in other Things.' Therefore to secure the Peace of the Nation, he acquainted them, 'That the King would be conffrain'd to establish it for the present, as formerly his Predecessors had done.' Then speaking of the former Succeffes

ceffes fo often infifted on by the Heads of the ruin'd Party, Anno 13 Car. H. he retorted their Arguments, in the wonderful Preservation of the King's facred Person, and alledg'd, 'That God Almighty would not have led him through so many Wildernesses of Affliction of all kinds, conducting him through fo many Perils by Land; fnatching him out of the midft of his Kingdom, when it was not worthy of him, and when the Hands of his Enemies were upon him, when they thought themselves so sure of him, that they would bid so cheap and vile a Price for him: He would not then have so cover'd him with a Cloud, that he travell'd with some Pleasure, and great Observation through the midst of his Enemies: He would not so wonderfully have modell'd that Army, so inspired their Hearts, and the Hearts of the whole Nation. with an honest and impatient longing for the Return of their dread Sovereign; and in the mean time have so exercis'd him with those unnatural, or at least unusual Disrespects and Reproaches abroad, that he might have a harmless and innocent Appetite to his own Country, and return to his own People full Value, and the whole unwasted Bulk of his Affectious, without being corrupted or biass'd by extraordinary Foreign Obligations: God Almighty would not have done all this, but for a Servant whom he will always preserve as the Apple of his own Eye, and always defend from the most secret Machinations of his In Conclusion, by the King's Command, he declar'd the present Parliament dissolv'd.

On the 8th of May the new Parliament met, and the King The fecond Parproceeded to the House of Peers, with unusual Solemnity, liament, being attended by all the great Officers of State, the whole Body of the Nobility in their Robes; Drums, Trumpets, &c. Where being feated on his Throne, he open'd the Sef-

fion with the following Speech to both Houses.

'My Lords, and Gentlemen of the House of Commons, Will not spend the Time in telling you why I call'd Speech.

you hither; I am fure I am glad to fee you here. 'do value myself much upon keeping my Word, upon mak-'ing good whatfoever I promise to my Subjects: And I well remember when I was last in this Place, I promis'd that I would call a Parliament as foon as could be reasonably ex-' pected or defired; and truly, confidering the Season of

the Year, and all that has been done fince we parted, you ' could not reasonably expect to meet sooner than now we do. If it might have been a Week sooner, you will con-

' fess there was some Reason to defer it to this Day: For, ' this Day, we may without Superstition love one Day, pre-

fer one Day before another, for the Memory of some Blef-

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lano 13 Car. II. fings that befel us that Day; and then you will not wonder that the Memory of the great Affection the whole Kingdom shew'd to me this Day Twelve-Month, made me defirous to meet you again this Day, when I dare swear you are full of the same Spirit, and that it will be lasting in you. I think there are not many of you who are not particularly known to me; there are very few of whom I have not heard fo much Good, that I am fure, as I can be of any thing that is to come, that you will all concur with me, and that I shall concur with you in all Things which may advance the Peace, Plenty, and Prosperity of the Nation; I shall be exceedingly deceiv'd else.

My Lords and Gentlemen, you will find what Method I think best for your Proceeding, by two Bills I have caused Ito be prepar'd for you, which are for Confirmation of all that was enacted at our last Meeting: And above all, I must repeat what I said when I was last here; That next to the miraculous Bleffing of God Almighty, and indeed, as an immediate Effect of that Bleffing, I do impute the good Disposition and Security we are all in, to the happy Act of Indemnity and Oblivion: That is the principal Corner-Stone, which supports this excellent Building, that creates Kindness in us to each other, and Confidence in our joint and common Security. I am fure I am still of the same Opinion, and more, if it be possible, of that Opinion, than I was, by the Experience I have of the Benefit of it, and from the Unreasonableness of what some Men say against it, tho' I affure you not in my hearing. In God's Name, provide full Remedies for any future Mischiefs; be as fevere as you will against new Offenders, especially if they be fo upon Old Principles, and pull up those Principles by the Roots. But I shall never think him a wise Man, who would endeavour to undermine or shake that Foundation of our public Peace, by infringing that Act in the least degree; or that he can be my Friend, or wish me well, who would perfuade me ever to confent to the Breach of a Promise I so solemnly made when I was abroad, and perform'd with that Solemnity; because, and 'after I promis'd it, I cannot suspect any Attempts of that kind by any Men of Merit and Virtue.

'I will not conclude without telling you some News; News that I think will be very acceptable to you; and therefore I should think myself unkind and ill-natur'd, if I should not impart it to you. I have been often put in ' mind by my Friends, That it was now high Time to marry; and I have thought fo myself ever fince I came 'into England: But there appeared Difficulties enough in the Choice, tho' many Overtures have been made to me:

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and if I should never marry till I could make such a Anno ra Car. 113 'Choice, against which there could be no Foresight of any Inconvenience that may enfue, you would live to fee me an old Batchelor, which I think you do not defire to do. I can now tell you, not only that I am refolv'd to marry, but to whom I resolve to marry, if God please: And towards my Resolution, I have us'd that Deliberation, and taken that Advice as I ought to do in an Affair of that Importance; and, trust me, with a full Consideration of the Good of my Subjects in general, as of myfelf: It is with the Daughter of Portugal. When I had, as well as I could, weigh'd all that occur'd to me, the first Resolution I took, was to state the whole Overtures which had been made to me, and, in truth, all that had been faid against it to my Privy-Council; without hearing whose Advice, I never did, nor ever will, refolve any thing of public Importance. And I tell you with great Satisfaction and Comfort to myself, that after many Hours Debate in a full 'Council, for I think there was not above one absent; and truly I believe, upon all that can be faid upon that Subject, for or against it, my Lords, without one differting Vote, yet there were very few fate filent, advis'd me with all imaginable Chearfulness to this Marriage; which I 'look'd upon as very wonderful, and even as some Instance of the Approbation of God himself; and so took up my own Resolution, and concluded all with the Ambassador of Por-'tugal, who is departing with the whole Treaty fign'd, which you will find to contain many great Advantages to the Kingdom: And I make all the hafte I can to fetch you a Queen hither, who, I doubt not, will bring great Bleffings with her, to me and you."

He refer'd the rest to the Lord-Chancellor, who made The Lord Chang an elegant Speech, too long to be inserted but by way of cellor's Speech, Abridgment. He told them, 'That the King had call'd them hither by his Writ, which was the only good and lawful Way to the meeting of a Parliament; and they ought to thank God he had referv'd them to that Day, a Day that many good Men had died praying for, that after all the Prodigies in Church and State, they had liv'd to fee the King at the opening of the Parliament. That his Majesty had caused a Bill or two to be prepared for the Confirmation of all that was enacted in the last Parliament; which, the not call'd by the King's Writ, might be reasonably thought to have been call'd by God himself, upon the Prayers of the whole Kingdom, as the only Means to restore the Nation to its Happiness, to itself, to its Honour, and even to its Innocence. That for the King, after so many Injuries and Losses, to have been not only willing to con-TOME I.

Asso 13 Car. II. firm and enact the Act of Oblivion and Indemnity, but to prepare fuch an Act for them, to conjure them by all that was precious, by their Friendship to him, to dispatch those Acts with Expedition, was such a Fatherly Tenderness and Piety, as could proceed from no Heart, but such a one in which God had treasur'd up a Stock of Mercy, and Justice and Wisdom, to redeem a Nation. That the last Parliament, which had done such Wonders, had still lest great Things for them to do: They would find the Revenue the last Parliament intended to raise for the King, very much short of what they promis'd: They would find the public Debts for the Discharge of the Army and the Navy, which the last Parliament thought sufficiently provided for, to be still in Arrear, and unpaid. That they were now the great Phyficians of the Kingdom: and, God knows, had many wayward, froward and distemper'd Patients; some who in truth were very fick, others who thought themselves ficker. than they were, and some who thought themselves in Health, and were most fick of all: They were therefore to use all the Diligence, Patience and Compassion, which good Phyficians have for their Patients; all the Chearfulness, Complacency and Indulgence, their several Habits, Constitutions and Distempers might require. But there were a fort of Patients who deserv'd none of their Lenity; such who were fo far from valuing their Prescriptions, that they accounted them not as their Phylicians, but as their Patients: These were the seditious Preachers, who could not be contented to be dispens'd with for their full Obedience to some Laws establish'd, without reproaching and inveighing against those Laws how establish'd soever.' After some fevere Expressions against these Preachers, he told them, that when the King spoke last in this Place, he said, 'He should not more propose to himself any one Rule in his Actions or Councils, than this; What is a Parliament like to think of this Action, or of that Counsel? And that it should be want of Understanding in him, if it would not bear that Test.' That in a little time after the Dissolution of the last Parliament, while his Majesty accompany'd his Mother to the Sea-fide, the most desperate and prodigious Rebellion broke out in this City, that had been heard of in any Age; and by the multitude of intercepted Letters from and to all the Counties of England, in which the Time was fer down wherein the Work of the Lord was to be done, by the desperate Carriage of the Traytors themselves, and the bragging of their Friends, it might be concluded the Combination reach'd very far; and, if the indefatigable Industry of the Lord Mayor had not prevented it, probably the Fury would not have been extinguish'd, before this famous City,

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or a great Part of it, had been burnt to Afries: And there- Anio 13 Car. Il. fore it would become their Wisdoms to provide new Remedies for new Difeases, and to secure the precious Person of their Sovereign from the first Approaches of Villany; and the Peace of the Kingdom from the first Overtures of Sedition. Then he proceeded to speak of the King's intended Marriage, which he faid, 'would be the most grateful News that the whole Kingdom could receive: That it would be judg'd an irrecoverable Error in Policy, if Portugal should be suffer'd again to be swallow'd up by Spain: That the Spanish Ambassador was solicitous to obstruct the Match; and the King had not conceal'd from his Council, what that Ambassador had offer'd against this Marriage; what Proffers he had made of others, what Threats of War in one Case, what Advantage of Dowry in another; nay, that he had pretended to be so solicitous for the Advancement of the Protestant Religion, that he had offer'd several Protestant Princesses, to whom his Master should give a Portion, as with the Infanta of Spain: But he had withal press'd very earnestly the delivering up of Dunkirk and Jamaica; by that it was plain the Spanish King would have that Recompense for the Portion he would give. That there being an unanimous Advice from his Council to make this Marriage, his Majesty had sent for the Portugal Ambassador, had declared his Resolution to him, had writ himself to Portugal, and was preparing his Fleet to fetch home their Queen. In the last place he told them there were some other Particulars of Weight, but he would referve them till they met again, after they had chosen their Speaker.

After the Chancellor had ended, and his Majesty was withdrawn, the House proceeded to the Choice of a Speaker. And, in complaisance to a Recommendation from Court, ha'd on Sir Edward Turner, * Solicitor to the Duke of Sir Edward York; who being return'd to the King for, and having re- Turner chosen ceived his Approbation, made a Speech to his Majesty, in Speaker.

which were the following Expressions.

That as the former Spirit of Reformation at first brought The Speaker's us into this Misery; so the Spirit of Giddiness which God speech to the fent among our Reformers, at length cured us. Then ap-King, plying himself to the King, he said, 'As we have Cause at all times to bless God, that he hath thus brought your Majesty to your People; so we have just Cause at this Time to return our hearty Thanks unto your Majesty, that you have thus brought your People to yourfelf. The Sun exhales the Vapours from the Earth, and then fends them down in Showers of Plenty; so we joyfully find that our Obedience and

And afterwards to the King.

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morg Car. H. Affection to your Majesty, are return'd upon our Heads in Plenty, Peace and Protection. The last Meeting here in Parliament was happy in healing the bleeding Wounds of this Nation; they were bless'd also, even for their Works fake, your facred Majesty did bless them, and therefore they shall be blessed to all Posterity. But, Sir, we hope you have a Blessing lest for us too: That was your Parliament by Adoption, but this is yours by Birth-Right: This Parliament is Free-born; I hope this Honour will beget in us an Emulation to exceed the Actions of our Predecessors, and not only to meet your Majesty as our Sovereign, with the Duty of Subjects, but with the Love of Sons to a most indulgent Father, - If the Affections of all Englishmen can make you happy; if the Riches of this Nation can make you Great; if the Strength of this warlike People can make you confiderable at Home and Abroad, be affured you are the greatest Monarch in the World. Give me leave to double my Words and fay it again, I wish my Voice could reach to Spain, and to the Indies too, You are the greatest Monarch in the World!' Then he concluded with the usual Request for the Commons wonted Privileges, Freedom of Speech, Protection from Arrests, and Access to his Majesty upon all Occasions.

The Chancellor's fecond Speech to the Commons,

Upon the finishing of this, the Lord-Chancellor made a fecond Speech by way of Supplement to his former; in which he told the Speaker and the Commons, 'That the King had done his Part, by publishing the very Day he intended the Parliament should meet, a good Time before the Writs were feal'd, that the Country might not be furpriz'd in their Elections; but that they might fend up such a Representative to him as he might make a clear View and Prospect of the Affections and Desires of his People: And he is persuaded that the Commons of England were never more exactly represented than they were in the present Knights, Citizens and Burgesses. After that he took notice ' of the great Privilege of the common People of England to be represented by the greatest, and learnedest, and wealthieft and wifest Persons that could be chosen out of the Nation: But, added he, the compounding the Commons of England, that noble Representative, with the common People of England, was the first Ingredient of that accurfed Dose which intoxicated the Brains of Men with that Imagination of a Commonwealth; a Government as impossible for the Spirit and Genius of the English Nation to fubmit to, as it is to perfuade them to give their Cattle and their Corn to other Men, and to live themselves upon Herbs and Roots.' He told them there was not a Commonwealth in Europe, where every Man that was worth one thousand Pounds

Pounds, did not pay more to the Government, than a Man Annora Car. II. of a thousand Pounds a Year ever did to the Crown here before the late Troubles; and he was perfuaded that that Monster Commonwealth cost this Nation more in the few Years she was begot, born and brought up, and in her Funeral, than the Monarchy had done these six hundred Years.' Then he proceeded to other Heads, and particularly urg'd them to provide against the excessive Drinking and Expences that prov'd inconvenient in Elections; and recommended to them the great Improvements to he made by draining of Fens, and the like. Laftly, he defired them, 'That they would use such Expedition in their Counsels of most Importance, that the rest may be lest to a Recess in the Winter, after an Adjournment, that his Majesty might have Time to bestow himself upon his Subjects in a Progress which he would be glad to begin before the End That his Majesty desired again to see his good of July. City of Worcester, and to thank God for his Deliverance there; and to thank God even in those Cottages, and Barns, and Hay Lofts, wherein he was shelter'd, and feasted, and preserved: And in the Close of that Progress he hopes he shall find his Queen in his Arms: and so return to meet them there the Beginning of Winter.

These Ceremonies being over, the Parliament proceeded to the great Affairs of the Kingdom; and within three Days both Houses came to a Vote and Resolution concerning the King's intended Marriage, and accordingly attended his Majesty at Whitehall with their humble Ac- The Thanks of knowledgment and Thanks for the free and gracious Com- both Houses munication of his Resolution to marry with the Infanta of given to his Portugal; which they conceiv'd to be of so high a Concernment to this Nation, that they receiv'd it with great Joy and Satisfaction, and did with all Earnestness beg a Bleffing upon, and a speedy Accomplishment of it; and they could not but express their own unanimous Resolutions, which they were confident would have a general Influence upon the Hearts of all his Subjects: That they should upon all Occasions be ready to affist his Majesty in the Pursuance of these his Irrentions against all Oppositions whatsoever. To which the King return'd his particular Thanks, declaring, 'That he did, in the matter of the intended Marriage, as

While this was transacting, the House, first, order'd all The Commons their Members to take the Sacrament according to the pre-oblige themscribed Liturgy, on pain of Expulsion; and then, in con-selves to take junction with the Lords, on the 20th of May, order'd that the Sacrament, the Instrument of Writing, that had caus'd so much Mil-Covenant to be chief, call'd, The felemn League and Covenant, should burnt.

much study their Good, as his own.

As likewife the

nno 13 Car. II. be burnt by the Hand of the common Hangman, in the Palace-Yard at Westminster, in Cheapside, and before the Old-Exchange, on the 22d of May; and be forthwith taken off the Record in the House of Peers, and all other Courts and Places where the fame is recorded; and that all Copies thereof be taken down out of all Churches, Chapels, and all other public Places in England and Wales. A few days after, May 2S, they likewife order'd, the Act for creeting a High Court of Justice, for Trying and Judging Charles Stuart, the Act for Subscribing the Engage-Act for erecting ment against a King and House of Peers; the Act for dethe high Court claring the People of England to be a Commonwealth of Juffice, &c. and Free-State; the Act for Renouncing the Title of Charles Stuart, and also the Act for the Security of the Lord Protector's Person, to be burnt by the hands of the common Hangman, in the midst of Westminster-Hall, while

About this time, Mr Prynne (a Member) narrowly escaped the Censure of the House, for publishing certain Reasons against an intended Bill for regulating Corporations, as contrary to Magna Charta: And, the Republican Party apprehending the late Act of Oblivion to be infufficient, unless confirm'd by the present Parliament, his Majesty sent

the following Letter to the House of Commons.

The King's Letter for confirming the Act of Indemnity.

'At the Opening our Parliament you were told, That we had a great Defire this Summer to make a Progress through some Parts of our Kingdom, which we resolve to begin in Devotion to our City of Worcester, that we may pour out our Thanks to God for our Deliverance there; and the Season of the Year quickens us in that Inclination, as we presume it disposes you to a Desire to withdraw from this City, and to visit your Countries. But you may remember we told you then, That we had caus'd some Bills to be prepared for you, for Confirmation of what we enacted in our last Meeting; and we said all we could to you of the Value we fet upon the Act of Indemnity (as we have great reason to do) and if we could have used stronger Expressions to have conjur'd you speedily to have dispatch'd it, we assure you we would have done it. And we did think what we faid would have made an Impression on all who profess a Desire to serve us; and therefore we expected every Day, that the same Bill would have been presented to us for another Assent. We must confess, we hear you have shewed great Affection to us, since your. coming together, and that you have already prepared and pass'd some very good Bills (for which we heartily thank you) that are ready for the Royal Affent: Yet we cannot but tell you, That tho' we are enough concern'd to expedite those Bills, we have no mind to pass them till the Annota Car. II. Act of Indemnity be likewise presented to us, upon which,

if you take our Word, most of our Quiet and Good depends, and in which we are fure our Honour is concern'd.

Therefore we must again, and as earnestly as is possible, conjure you to use all possible Expedition in passing that Act in the same Terms we already pass'd it (to which we take Ourself oblig'd) and that you will for the present lay

afide all private Buliness, that so betaking yourselves only to the Public, you may be ready to adjourn by the mid-

dle of the next Month, which will best suit with all our

Occasions.

This Letter did not fail of being receiv'd with due Respect, and the House resolv'd to bring in a Bill accordingly: But, as a new Instance of their Loyalty and Duty, proceeded, first, to settle the Revenue on such a footing as might more effectually maintain the Splendor and Grandeur of the Kingly Office. Accordingly this capital Point was referr'd to the Consideration of a Committee, of which Sir Philip Warwick was Chairman; who reported, that on a thorough Examination, there was a Deficiency of full 265,000l. on the different Funds, already appointed to answer that end: Upon which it was order'd, 'That forthwith be provided a plentiful Supply for his Majesty's present unavoidable great Occasions, as well as a Settlement of a conftant, and ftanding Revenue: And accordingly a Bill was brought in 'To enable his Majesty to send out Commissions to receive the free and voluntary Contributions of his People, towards the present Supply of his Majesty's Affairs, &c.

Having finish'd this, and the Bill for Confirmation of the The Speaker's Act of Oblivion and Indemnity, on the 8th Day of July speech to the the King came to the House of Peers, where being seated King. on his Throne, the Speaker of the House of Commons, among other things, spoke thus to his Majesty: 'Your Majesty was pleased, at the Opening of the Parliament, to recommend to us two Bills; one for Confirmation of public Acts, another for the private Acts that passed the last Parliament: They were so many in Number, and great in Weight, that hitherto we could not consider of them all: but some we have perused, as the Act for Confirmation of Judicial Proceedings, that for taking away the Court of Wards and Liveries, and also all those that relate to your Majesty's Customs and Excise. And that we might with some Chearfulness see your Majesty's Face, we have brought our Brother Benjamin with us, I mean your Act of Oblivion. I take the Boldness to call it yours, for so it. is by many Titles: Your Majesty first conceiv'd it at Breda, you help'd to contrive and form it here in England, and we

ino 13 Car.II. must all bear you witness, you labour'd and travell'd fill it 1661. was brought forth: And fince it had a Being, some question being made of its Legitimation, your Royal Heart is not at ease until it be confirm'd. And now, Sir, give me leave to fay, By the Suffrage of a full, a free, and legal Parliament, it is presented to your Majesty to be naturaliz'd. Your Majesty's Defires are fully answer'd by all the Representatives of the People; and their hearty Prayer to God is, That all your Subjects may be truly thankful to you, and that your Majesty may long live to enjoy the Fruitts of the unparallel'd Mercy. Your Majesty was pleased lately to intimate to us, That you so valu'd the Quiet and Satisfaction of your People, and the keeping of your royal Word, that tho' divers other Bills were made ready for you, you would vouchfafe the Honour to this Bill alone, your Favourite, to come and pass ir. Sir, hereby you have made this a great Holiday, and we shall observe it with Joy and Thanksgiving. Upon fuch folemn Festivals, there used to be a second Service, and Anthem, and a Collect, or at least an Offering: My Anthem shall be, Quid tibi retribuam, Domine? And my Collect, a short Report of your Revenue.' Then mentioning the King's Patience, Providence, and Frugality abroad, in not bringing home any Debts for the Nation to pay, &c. he thus concluded: 'The Commons of England do by me their Servant humbly present you with this Bill, intiried, An Act for a free and voluntary Present, and wish it a Success answerable to your Royal Heart's Desire.

In the passing of the two Bills mentioned in the Speaker's

Speech, the King himfelf spoke as follows:

The King's Speech at his passing two Bills

' My Lords and Gentlemen, T is a good time fince I heard of your passing this Bill of Money, and I am fure you would have presented it ' to me sooner, if you had thought I had desired it; but the 'truth is, tho' I had need enough of it, I had no mind to receive it from you, till I might at the same time give my Affent to this other very good Bill that accompanies it, for which I long'd very impatiently. I thank you for both with 'all my heart; and tho' there are other good Bills ready, with which you will eafily believe I am very well-pleas'd, and in which I am indeed enough concern'd, yet I chose rather to pass these two Bills together, and to pass them by ' themselves without any other, that you may all see, and in 'you the whole Kingdom, that I am at least equally concern'd for you and them, as for myself: And in truth it will be want of Judgment in me, if ever I defire any thing for myself, that is not equally good for you and them. I am confident you will believe that my Wellbeing

Being is of some Use and Benefit to you, and I am sure Anno 13 Car. II. your Well-Being, and being well pleas'd, is the greatest Comfort and Bleffing I can receive in the World. I hope you will be ready within a few Days to dispatch those other public Bills which are still depending before you, that I may come hither and pals all together, and then adjourn till Winter, when what remains may be provided The last Parliament by God's Blessing laid the Foundation of the Happiness we all enjoy; therefore I thought it but Justice to the Memory of it, to send you Bills for the Confirmation of what was then enacted; and I cannot doubt but you will dispatch what remains of that kind with all convenient Speed; and that you will think, that what was then thought necessary for the public Peace, ought not to be shaken now, or any good Man less fecure of what he possesses, than he was when you came together. It is to put myself in mind, as well as you, that I so often mention to you my Declaration from Breda: And let me put you in mind of another Declaration publish'd by yourselves about the same time, and which I am persuaded made mine the more effectual, an honest, generous, and christian Declaration, sign'd by the most eminent Persons, who had been the most eminent Sufferers, in which you renounc'd all former Animolities, all Memory of former Unkindnesses, vow'd all imaginable Good will to, and all Confidence in each other. fore let it be in no Man's power to charge me or you with breach of our Word or Promise: Let us look forwards, and not backwards, and never think of what is pass'd, except Men put us in mind of it by repeated faults we had forgot, and then let us remember no more than what concerns those very Persons. God hath wrought a wonderful Miracle in fettling us as he hath done; I pray let us do all we can to get the Reputation at home and 'abroad of being well-settled We have Enemies and Envyers enough, who labour to have it thought otherwife; and if we would indeed have our Enemies fear us, and our Neighbours love and respect us, and fear us enough to love us, let us take all the Ways we can, that as the World cannot but take notice of your extraordinary Affection to me, and of the Comfort I take in that Affection, so that it may likewise take notice of your Affection to, and Confidence in each other; which will disappoint all Designs against the public Peace, and fully establish our joint Security.

As the King seem'd on one hand to make it a Point to perfect the Act of Indemnity, the Commons, on the other, TOME I.

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against the Re-

Anno 13 Cat. II, appear'd as zealous to offer up Victims, to the Memory of his Father. Accordingly they proceeded to the Confication of the Estates of twenty one Regicides deceased, viz. Pelham, Skippon, Edwards, Constable, Dean, Danvers, Moore, Alured, Stapeley, Frye, Allen, Maleverer, Blake-ftone, Hammond, Bourchier, Horton, Purefoy, Norton, Ewer, Ven, and Andrews. They likewife order d the Lord Mounson, Sir Henry Mildmay, and Mr. Robert Wallop, who had been favour'd, as the others had been, referved in the Act of Indemnity, to be brought to the Bar of the House of Commons; where confessing their Crimes, a Bill was order'd to be brought in to conficate their Estates, as also Sir James Harrington and John Phelps, not yet apprehended: and it was farther order d, That the Lord Mounson, Sir James Harrington, and Sir Henry Mildmay should be degraded of their several Honours and Titles; and that those now in Custody, and the other two, when apprehended, should all be drawn upon Sledges with Ropes about their Necks, from the Tower of London to, and under the Gallows at Tyburn, and thence convey'd back to the Tower, there to remain Prisoners during their Lives. Which Sentences were folemnly executed upon the 30th of January following.

> As much Bufiness being effected, and as many Acts prepared as cou'd well be compleated in a limited Time, the King came to the House of Peers on the 30th Day of July; when he thought a Recess very necessary. Being seated on his Throne, the Speaker of the House of Commons presented the feveral Bills for the Royal Affent, the Nature of which will be best understood by giving the Substance of his Speech' to his Majesty: 'Your loyal House of Commons have with unwearied Labour confulted for the Service of your Majefly, and the Good of this Nation; and now the Fields grow white to Harvest. In the great Field of Nature all Fruits do not grow ripe together, but some in one Month, some in another; So it is in the Course of our Proceedings: some of our Fruits are in the Blossom, when others are in the Bud; some are near ripe, and others fit to be presented to your Majesty. Amongst the Number of our choicest ripe Fruits, we first present you with a Bill for the Safety and Preservation of your Majesty's Royal Person and Government; wherein we defire it may be enacted, That if any Person shall compass, imagine, or design your Majesty's Death, Destruction, or bodily Harm, to imprison or restrain your Royal Person, or depose you, or shall levy War against your Majesty, within or without your Realm, or stir up any foreign Power to invade you, and shall declare or express

The Speaker's Speech at the breaking up of the Seffion.

fich his wicked Intention by Printing, Writing, Preaching, Anno 13 Car. II. or malicious and advised Speaking, being thereof legally convicted, shall be adjudg'd a Traytor. And because much of our late Misery took its Rise from seditious Pamphlets, and Speeches from the Pulpits, it is provided, That if any Man shall maliciously and advisedly publish or affirm your Majesty to be an Hereric, or a Papist, or that you endeavour to introduce Popery, or shall stir up the People to Hatred or Dislike of your Royal Person or Government, then every fuch Person shall be made incapable of any Office or Employment, either in the Church or State. And if any Man shall maliciously and advisedly affirm, That the Parliament begun in Westminster the 3d of November 1640 is yet in Being, or that any Covenant or Engagement, fince that Time impos'd upon the People, doth oblige them to endeavour a Change of the Government either in Church or State; or that either, or both Houses of Parliament have a Legislative Power without your Majesty; then every such Offender, being thereof legally convict, shall incur the Penalties of a Premunire, mention'd in the Statute made 16th of Richard II.

In the next place, Sir, give me Leave, I bescech you, without any Violence to the Act of Oblivion, to remember a fad Effect of the Distempers in the last Age: When the Fever began to seize upon the People, they were impatient till they loft some Blood: The Lords Spiritual, who in all Ages had enjoy'd a Place in Parliament, were by an Act of Parliament excluded. Your Majesty's Royal Grandfather was wont to fay, No Bishop no King; we found his Words true; for, after they were put out, the Fever still increasing, in another Fit the Temporal Lords follow'd, and the King himself. Nor did the Humour rest there, but, in the Round, the House of Commons was first garbled, and then turn'd out of doors. It is no wonder, when a Sword is put into a Mad-man's Hand, to see him cut off Limb by Limb, and then to kill himself. Your Majesty is now happily restored to the Government, the Temporal Lords and Commons are restored to their Seats in Parliament, and shall the Church alone suffer? Sit Ecclesia Anglicana libera, & habeat Libertates suas illesas! In order to this great Work, the Commons have prepared a Bill to repeal the Law made in the 17th Car. whereby the Bishops were excluded this House. These noble Lords have all agreed, and now we beg your Majesty will give it Life: Speak but the Word, Great Sir, and your Servants yet

We cannot forget the Method, how our late Miseries, like Waves of the Sea, came in upon us: First the People were

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nno 13 Car. II. were invited to Petition, to give colour to some illegal Demands: then they must Remonstrate; then they must Protest; then they must Covenant; then they must Associate; then they must engage against our lawful Government, and for the Maintenance of the most horrid Tyranny that ever was invented. For the prevention of this Practice for the future, we do humbly tender to your Majesty a Bill entitled, An Act against Tumults and Disorders, upon pretence of preparing or presenting public Petitions or Addresses to your Majesty or the Parliament. In the next place, we hold it our Duty to undeceive the People, who have been poilon'd with an Opinion, That the Militia of this Nation was in themselves, or in their Representatives in Parliament; And, according to the ancient known Laws, we have declared the fole Right of the Militia to be in your Majesty. And forasmuch as our Time hath not permitted us to finish a Bill intended for the future ordering of the same, we shall prefent you with a Temporary Bill, for the present managing and disposing of the Land Forces: And likewise another Bill, for the establishing certain Orders for the Regulation and Government of your Majesty's Navies and Forces by According to your Majesty's Commands, we have examin'd many of the public and private Bills which pass'd last Parliament, and have prepared some Bills of Confirmation. We have also ascertained the Pains and Penalties to be impos'd upon the Persons or Estates of those Miscreants who had a hand in the Murder of your Royal Father of bleffed Memory, and were excepted in your Majesty's Act of Oblivion: Wherein we have declared to all the World, how just an Indignation we had against that horrid Regicide. We have likewise prepared a Bill for the Collection of great Arrears of the Duty of Excise, which I do here, in the Name of the Commons of England, prefent unto your Majesty. — Your Majesty was pleas'd, at the Opening of the Parliament, to tell us you intended this Summer to take a Progress, and see your People, and at your Return hoped to bring a Queen home with you. Sir, this welcome News hath made us cast about all Ways for your Accommodation; and therefore that no Conveniencies might be wanting for yourfelf, your Queen, or Attendants, we have prepared a Bill entitled, An Act for providing necessary Carriages in all your Royal Progresses and Removals. Your Majesty was likewise pleas'd at our first Meeting, to say, You wou'd not tire us with hard Duty, and therefore about this Time intended a Recess. That Royal Favour will now be feafonable, and we hope advantageous to your Marefty, and ourfelves. We know in our Absence your Prince-17 Heart and Head will not be free from Cares and Thoughts

of our Protection: And when we leave our Hive, like the Anno 13 Car. IL industrious Bee, we shall but fly about the several Countries of the Nation to gather Honey; and when your Majesty shall be pleas'd to name the Time, return with loaded Thighs unto our House again.

At the passing of the afore-mention'd Bills, the King

made the following Speech.

My Lords and Gentlemen, Perceive by the thin Appearance of the Members of both Houses this Day, that it is high time to adjourn: The King's In truth, the Season of the Year, as well as your par- Speech at the ticular Affairs, require it, and therefore I do willingly fame time. consent to it. I thank you for the many Bills you have presented me with this Day, of which I hope the Benefit will redound to the whole Kingdom. I thank you for the Care you have taken for the Safety of my Person; which, trust Me, is the more valuable to Me, for the Consequence I think it is of to You; and, upon my Conscience, there is no body wishes ill to Me, but they who wou'd quickly revenge themselves of You, if they cou'd. thank you for the Care you have taken of yourselves, of your own Safety and Honour, in the Act against Tumults and Disorders upon pretence of Petitions; to which Licence we owe much of the Calamities we have undergone: But I thank you with all my heart, indeed as much as I can do for any thing, for the Repeal of that Act which excluded the Bishops from Parliament: It was an unhappy Act in an unhappy Time, pass'd with many unhappy Circumstances, and attended with miserable Events, and therefore I do again thank you for repealing it. have thereby restored Parliaments to their primitive Institutions; and I hope, my Lords and Gentlemen, you will in a short time restore them to the primitive Order, and Gravity of Debates and Determinations, which the Li-· cence of the late diffemper'd Times had so much corrupted; which is the only way to restore Parliaments to their primitive Veneration with the People, which I heartily wish ' they shou'd always have.

' My Lords and Gentlemen, You are now going to your feveral Countries, where you cannot but be welcome for the Services you have perform'd here: I do very earnestly recommend the good Government and Peace of your Countries to your Care, and your Counsel, and your Vigilance. There are diftemper'd Spirits enough, which lie in wait to do mif-

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excar.II. chief, by laying Reproaches upon the Court, upon the Government, Reproaches upon Me, and Reproaches upon You: your Wisdoms and Reputations, and Authority will, I doubt not, weigh down their light Credit; and the old and new good Laws will, I hope, prevent any Mischief they intend. However, you have done very well, and I do very heartily thank you for it, in declaring my fole Right over the Militia, the questioning of which was the Fountain from which all our bitter Waters flow'd. I pray make hafte to put the whole Kingdom into fuch a Posture, that evil Men, who will not be converted, may yet chuse to be quiet; because they find that they shall not be able to do the harm they defire to do. I know you have begun many Bills in both Houses, which cannot be finish'd till your Meeting again; and that they may be finished then, I forbear to make a Sessions now, but am contented that you adjourn till the twentieth of November, when I hope, by God's Bleffing, we shall come happily together again. In a word, my Lords and Gentlemen, I thank you for what you have done, and am confident, that what you have left undone you will dispatch with all Alacrity, and to all our Satisfactions, at our next Meeting: And so you may adjourn till the twentieth of November."

The fecond Seffion of the fecond Parliament.

After a Recess of almost four Months the Parliament mer again, the Bishops being likewise restor'd to their Seats in the House of Peers, and were thus harangu'd from the Throne by his Majesty.

The King's Speech to both Houses,

'My Lords, and Gentlemen of the House of Commons, Know the Visit I make you this Day is not necessary, is not of course; yet if there were no more in it, it would not be ffrange that I come to fee what you and I fo long defired to fee: The Lords Spiritual and Temporal, and the Commons of England met together to confult for the Peace and Safety of the Church and State; by which Parliaments are restored to their primitive Lustre and Integrity. I do heartily congratulate with you for this Day. But, my Lords and Gentlemen, as my coming hither at this time is somewhat extraordinary: It is to fay fomething to you on my own Behalf, to ask fomething of you for my felf; which is more than I have done of you, or of those that met here before you, fince my coming into England. I need not have done it to them; and, upon my Conscience, I need not do. it now. They did, and you do, upon all Occasions, express so great an Affection and Care of all that concerns me, that I may very well refer, both the Matter and Mane ner of your doing any thing for me, to your own Wif- Anno 13 Car. I doms and Kindness: And indeed, if I did think that what I am to fay to you now did alone, or did most concern myself; if the uneasy Condition I am in, if the Streights and Necessities I am to struggle with did not mahifestly relate to the public Peace and Safety, more than to my particular, otherwise than I am concern'd in the Public, I should not give you this trouble this Day. I can bear my Necessities, which merely relate to myself, with pa-

tience enough.

Mr. Speaker, and you Gentlemen of the House of Commons, I do not now importune you to make more hafte in the constant Revenue of the Crown, than is agreeable to the Method you propose to yourselves: I defire you seriously to consider the insupportable Weight that lies upon it, the Obligations it lieth under to provide for the Interest, Honour and Security of the Nation in another Proportion than in any former times it hath been oblig'd to. I know very well, you have very affectionately and worthily taken all this into your Thoughts, and will proceed in it with as much Expedition, as I can reasonably wish; but I come to put you in mind of the crying Debts which do every day call upon me for some necessary Provisions, which are to be made without delay, for the very Safety of the Kingdom; of the great Sums of Money that should be ready to discharge the several Fleets when they come home, and for the necessary Preparations that are to be made for fetting out new Fleets to Sea against the Spring; that Revenue being already anticipated to as important Services, which should be assign'd to those Preparations. These are the pressing Occasions which I am forc'd to recommend to you with all possible Earnestness, and do conjure you to provide for as speedily as possible. in fuch a manner, as may give us fecurity at home, and some Reputation abroad. I make this Discourse to you with some Confidence, because I am very willing, and defirous, that you should thoroughly examine whether these Necessities I mention, be real, or imaginary; or whether they be fallen upon us by my Fault, by my own Managery, or Excesses, and provide for them according-I am very willing that you make a full Inspection into my Revenue, as well the Disbursements, as Receipts; and if you find it hath been ill manag'd by any Corruption in the Officers I trust, or by my own Unthristiness, I shall take the Information and Advice you shall give me very kindly: I say, if you find it; for I would not have you believe any loose Discourses, how confidently loever urg'd, of giving away eighty thouland Pounds in a Morning.

line 33 Car. II. Morning, and many other Extravagancies of that kind. I have much more reason to be forry, that I have not to reward those who have ever faithfully ferv'd the King my Father, and myfelf, than asham'd of any Bounty I

have exercis'd towards any Man. My Lords and Gentlemen, I am forry to find that the general Temper and Affections of the Nation are not fo well compos'd, as I hoped they would have been, after fuch fignal Bleffings from God Almighty upon us all, and after so great Indulgence and Condescensions from me towards all Interests. There are many wicked Instru-ments still as active as ever, who labour Night and Day to disturb the public Peace, and to make all People jealous of each other. It will be worthy of your Care and Vigilance, to provide proper Remedies for the Diseases of that kind; and if you find new Diseases, you must study new Remedies. Let us not be discouraged; if we help one another, we shall by God's Blessing master all our Difficulties: These which concern Matters of Religion, I confess to you are too hard for me; and therefore I do recommend them to your Care and Deliberation, which can best provide for them. I shall not need to recommend, or put you in mind of the good Correfpondence that ought to be kept between you for the Good of your selves, and me, and the whole Kingdom; and I may tell you, it is very necessary for us all. You will find whosoever doth not believe me, doth not love you; and they who have not Reverence for you, have little Kindness for me. Therefore, I pray, let us adhere fast to each other, and then we shall, with the Help of God, in a fhort time perfuade, or oblige all Men to that Submission, and Obedience to the Law, as may constitute a full Measure of Happiness to Prince and People, and per-' fuade our Neighbours to that Esteem and Value they have " formerly had for us."

Pursuant to this Speech the Parliament proceeded diligently to Bufiness, and the better to preserve the Peace of the Nation, both Houses immediately agreed to petition for a Proclamation, 'For difarming the disbanded and cafhier'd Officers and Soldiers, and to command them to depart twenty Miles from the City of London, for fuch time as his Majesty shall think fit.' And the Commons, to shew their Readiness to affift the King in his Wants, on the same Day, voted, 'That the Sum of Twelve Hundred Thousand Pounds should be speedily paid and rais'd for the Supply of the King's Majesty's present Occasions; and the proceeded accordingly. For which the King foon after return'd

A Vote for Twelve Hundred Thousand Pounds.

num'd his hearty Thanks, and particularly express'd, How Anno 13 Car. 11 exceeding much he was beholden to the House of Commons for their great Gift, and the manner of it, in giving fo freely. After which, he declared by a Mellage to the Commons, fignifying, 'That, making the Good of his People the Subject of his Thoughts, and confidering that the calling

in the Money, called the Commonwealth's Money, by the I last of this Month, might be prejudicial to his People, and

hazard the Exportation of a great Part thereof, he was gracioufly pleased, by the Advice of his Privy Council, to di-

rect a Proclamation to be issu'd, signifying his Majesty's Pleasure to accept of the said Money in any Payment to be

made to him till the 25th Day of March next.

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The first Parliament having respited the Punishments of Proceedings as several of the Regicides, as well those that lay under gainst the Regis Condemnation, as others not so flagrantly guilty of that cides renew'd.

Crime, the Houses resum'd the Matter, and on the 25th of November those Regicides that came in upon Proclamation were brought to the Bar of the House of Lords, to anfwer what they could fay for themselves, why Judgment should not be executed against them. They severally alledg'd, 'Thar, upon his Majesty's gracious Declaration from Breda, and the Votes of Parliament, and his Majesty's Proclamation, published by the Advice of the Lords and Commons then assembled in Parliament, they did render themselves, being advis'd that they should thereby secure their Lives; and humbly crav'd the Benefit thereof, and the Mercy of the Houses, and their Mediation to his Majesty in their Behalfs. Harry Marten briskly added, That he Harry Marten's had never obey'd any Proclamation before this, and hoped Plea. that he should not be hang'd for taking of the King's word now. New Debates arose about them, and a Bill was brought in for their Execution, which was read twice, but afterwards dropt; and so they were all sent to their several Prisons, and but little more heard of them. The Difficulty had like to have been the heavier upon them, by reason of several seditious Pamphlets publish'd about this time; and likewise by reason of a Message from the King, deliver'd by the Lord Chancellor in a Conference between both Houses. At which time the Chancellor declar'd, That the same did concern things of a high and dan- The Chancelgerous nature, and that there had been a real Defign, lor's Declarawhich had been forming ever fince March last, to disturb tion, concerning the Union and Peace of this Kingdom: And so proceeded New Plots. to name several of the Parties engag'd, with the Manner and Contrivance of their barbarous Defigns, and the Progress they had from time to time made therein. 'And that although their Defigns were at present disorder'd, TOME L.

Amo sacar.II, as to the effecting of them in this Town, to which end they made a general Invitation of disbanded Soldiers, and disaffected Persons, to resort hither about the 11th of this Month; yet they were still practifing to put the same in execution in the Country: And that the Lords, to provide a Remedy against these Evils, had appointed a Committee of Twelve of their House, and defired that an answerable Number of the other House be join'd with the Lords, who might, during the Recess, examine the said traitorous Designs, and find out such Expedients, as they should perceive necessary for the preventing and suppressing them, and securing the Peace of the Kingdom.' All which they agreed to, and put in practice.

The King paffes fome Acts.

The next Day, which was the 20th of December, the Money Bill, and the three other Bills being ready for the Royal Affent, the King came to the House of Peers, where the Commons Speaker presented to his Majesty a Bill for granting Twelve Hundred and Sixty Thousand Pounds to the King, to be levy'd by an Affeliment of Seventy Thoufand Pounds by the Month, for Eighteen Months. At the passing of this Bill, the King, in a short Speech, 'gave very hearty Thanks to the House for their great Present, and declared, That he had received the Benefit of it before he had it; the Reputation thereof having given ' him Credit both at home and abroad: And that he was not more willing to give his Royal Affent to that Bill, than he should have been to pass any Bills whatsoever, which that House should present to him for his People's "Good.' He likewise pass'd other three Bills at this time; the first, An Act for regulating Corporations; the second, For preventing vexatious Delays in Law-fuirs; and the laft, For impowering his Majesty to make Leases of his Lands in the Dutchy of Cornwal. Upon the passing of which, the Parliament was adjourn'd to the 10th Day of January; and so breaking up, had a Recess for near three Weeks.

The Parliament being again met, January 10, according to Adjournment, the joint Committee of Lords and Commons appointed to make enquiry during the Recess, into certain Plots about that time faid to be on foot, gave in their Report, which (if we may judge by the Account deliver'd to the Lords by Chancellor Hyde) was so contriv'd as to render them as formidable as possible; tho' apparently, with little Foundation: notwithstanding which, they had fuch weight with the Commons, that they proceeded with all possible Expedition to establish the Security of the Crown, by uniting the Militia to the Prerogative, and that of the Church to the Act of Uniformity. After which, taking into con ideration the State of the Revenue, and willing to

adjourn'd for three Weeks. And meets again.

The Parliament

render the King yet more easy on that Head, they offer'd Apno 14Car.II. great Encouragement to all who should advance Money by way of Loan to answer his present Necessities: But were prevented, February 18, by the following Message from his Majesty, delivered by Secretary Morrice, who inform'd the House, 'That he had Directions from his Majesty to defire A Message from the House, that they wou'd put a Supersedeas to any fur- the King to the ther Debate upon the Bill for Permission to such Persons as Commons. should advance Money for his Majetty's present Occasions, to take Interest at Ten per Cent. That his Majesty, finding the Bill might have some ungrateful Relish in it, refolv'd to put himself upon the greatest Streights, rather than adventure upon any Courfe, that might in the leaft feem to difgust this House, or prejudice his good Subjects; and therefore would endeavour to find some other Means to supply his present urgent Occasions, and desir'd the Bill might be laid aside. This Message affected them so much, that they immediately returned their humble Thanks to the King for his Tenderness to his People, and order'd, That his Majesty be made acquainted, That this House would leave no means unattempted to advance his Majesty's Revenue, and supply his present urgent Occa-

The King finding his Necessities to increase, within ten Days after, order'd the House of Commons to attend him at Whitehall, in a Body by themselves: Which was accordingly done upon the first of March; when his Majesty, after some remarkable Acknowledgments of their extraordinary Services, and having declared, That he knew most of their Faces, and never hoped to find better Men in

their Places, proceeded thus:

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Mr. Speaker, and you Gentlemen of the House of Commons, The King's pare OU will wonder now, after I have willingly made to the Comthis just Acknowledgment to you, that I should la- mons alone. ment, and complain, that I, and you, and the Kingdom are yet without that present Fruit and Advantage, which we might reasonably promise ourselves, from such a Harmony of Affections, and an Unity in Resolutions, to advance the publick Service, and to provide for the Peace ' and Security of the Kingdom, that you do not expedite ' those good Counsels that are most necessary for both. know not how it comes to pass, but for these many Weeks past, even fince your last Adjournment, private and par-ticular Business hath almost thrust the Consideration of the public out of doors: And in truth, I do not know that you are nearer fettling my Revenue than you were at Christmas: I am sure I have communicated my Condi-

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tion to you without Referve; what I have coming in and what my necessary Disbursements are; and I am exceedingly deceived, if whatfoever you give to me, be any other ways given to me, than to be iffu'd out for your own Use and Benefit. Trust me, it shall be so; and if you consider it well, you will find that you are the richer by what you give, fince it is all to be laid out, that you may enjoy the rest in Ease and Security. Gentlemen, I need not put you in mind of the miferable Effects which have attended the Wants and Necessities of the Crown. I need not tell you that there is a Republican Party fill in the Kingdom, which had the courage to promise themfelves another Revolution: And you know the only way, with God's Bleffing, to disappoint their Hopes, and reduce them from those extravagant Desires, is to let them see that you have so provided for the Crown, that it hath wherewithal to support itself, and to secure you; which is all I defire, and do defire it only for your Therefore I do conjure you by all the Prefervation. Professions of Affection you have made to me, by all the Kindnesses I know you have for me, to betake yourselves to some speedy Resolutions, and settle such a real and fubstantial Revenue upon me, as may hold some proportion with my necessary Expences for the Peace and Honour of the Kingdom; that they who look for Trouble at home, may despair of their Wishes; and that our Neighbours abroad, by feeing all is well at home, may have that value and effeem for us, as may fecure the Honour and Interest of the Nation, and make the Happiness of this Kingdom, and of this City, once more the Admiration and Envy of the World.

Gentlemen, I hear you are very zealous for the Church, and very folicitous, and even jealous that there is not expedition enough used in that Affair. I thank you for it, fince I prefume it proceeds from a good Root of " Piety and Devotion: But I must tell you, I have the worst luck in the World, if, after all the Reproaches of being a Papist, while I was abroad, I am suspected of being a Presbyterian, now I am come home. I know you will not take it unkindly, if I tell you I am as zealous for the Church of England, as any of you can be, and am enough acquainted with the Enemies of it on all fides: That I am as much in love with the Book of Common-prayer, as you can wish, and have prejudice enough to those who do not love it, who, I hope, in time will be better inform'd, and change their minds; and you may be confident, I do as much defire to fee an Uniformity fettled, as any amongst you. I pray trust me

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in that Affair: I promise you to hasten the Dispatch of it Anno 14 Car. II. with all convenient Speed; you may rely upon me in it. I have transmitted the Book of Common-Prayer, with those Alterations and Additions which have been prefented to me by the Convocation, to the House of Peers, with my Approbation, that the Act of Uniformity may relate to it; so that I presume, it will be shortly dispatch'd there: And when we have done all we can, the well-settling that Affair will require great Prudence and Discretion, and the Absence of all Passion and Precipitation. I will conclude with putting you in mind, that the Season of the Year, and the Good you may do, will require a Recoss into the Country, where you will find that many Tares have been fown in your Absence: The Arrival also of my Wife, whom I expect the next Month, and the Necessity of my being out of Town to meet her, and to flay some time before she comes hither, makes it very necessary that the Parliament break up before Easter, to meet again in the Winter: And that it may do so; I pray lay aside all private Business, that you may in that time dispatch the public —— The mention of my Wife's Arrival puts me in mind to defire you to put that Compliment upon her, That her Entrance into the Town may be with more Decency, than the Ways will now fuffer it to be; and to that purpose, I pray you would quickly dispatch and pass such Laws as are before you in order to the amending of those Ways. and that she may not find Whitehall surrounded with Water. I will detain you no longer, but do promise myself great Fruits of this Conversation with you, and that you will justify the Confidence I have in your Affections, by letting the World see, that you take my Concernments to heart, and are ready to do what I de-' fire for the Peace and Welfare of the Kingdom.'

This plaufible Speech is faid to have had such an Effect, that they proceeded to comply with every Particular demanded in it, with all possible dispatch: Accordingly they soon after prepar'd a Bill for Repairing the Streets and Highways in and about the Cities of London, and West-minster; A second (penal) against the People call'd Quakers: And, in settling the King's Revenue, appointed 62,000 l. to be distributed among the suffering Cavaliers, whose Loyalty had been their Ruin.

The Act of Uniformity, and several others being now ready for the Royal Assent, May 19, the King came to the House of Peers, and being attended by the Commons, was, after certain introductory Compliments, harangu'd by their

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Anno ra Car. II. Speaker with the following good Speech, as 'tis call'd by Mr. Archdeacon Echard.

The Speaker's Speech to the King.

'If your Majesty but please to cast your Eyes upon the Table, and behold the great Number of Bills that there present themselves before you, like so many Sheafs of Corn bound up, and ready to be housed; and will vouchsafe to fee how both my Hands are fill'd with no light Presents from your loyal Commons; and if your royal Majesty, the great Lord of the Harvest, shall vouchsafe to crown this Day by your Concessions to our Desires, the World will then see how great a Duty your People chearfully pay both to your royal Person and your Government, and likewise how great a Zeal your Majesty hath, by the faithful Advice of your Lords and Commons, to fettle the Church in her ancient Glory, and to restore the happy People of this Nation to their ancient Rights and Privileges. Some foreign Writers, that envy the Happiness of our Government, injuriously asperse this Nation with a reproachful Saying, That the Crown of England is only maintain'd by the Benevolence of the People, which is never granted, but in exchange of some royal Prerogative. Great Sir, we know the strongest Building must fall, if the coupling Pins be pull'd out; therefore our Care hath been to prepare such Constitutions, that the Prerogative of the Crown, and the Propriety of the People, may, like squared Stones in a wellbuilt Arch, each support the other, and grow the closer and stronger for any Weight or Force that shall be laid upon them. We cannot forget the late disputing Age, wherein most Persons took a liberty, and some Men made it their Delight, to trample upon the Discipline and Government of the Church; the Hedge being trod down, the Foxes and the Wolves enter'd, the Swine and other unclean Beafts defiled the Temple: At length it was discern'd, the Smectymnian Plot did not only bend itself to reform Ceremonies, but fought to erect a popular Authority of Elders, and root out Episcopal Jurisdiction. In order to this Work, Church-Ornaments were first taken away, then the Means whereby Distinction or Inequality might be upheld among ecclefiaftical Governors; then the Forms of Common Prayer, which, as Members of the public Body of Christ's Church, were enjoin'd us, were decry'd as superflitious, and in lieu thereof, nothing, or worse than nothing, introduced.' Your Majesty, having already restored the Governors and Government of the Church, the Patrimony and Privileges of our Chuchmen; we held it now our Duty, for the Reformation of all Abuses in the public Worship of God, humbly to present to your Majesty a Bill for the Uniformity of public Prayers, and Administration of Sacraments.

ments. We hope the God of Order and Unity will con- Anno 14 Car. H. form the Hearts of all the People in this Nation, to serve him 1662.

in this Order and Uniformity.

Next to the Worship and Service of God, we apply'd ourselves to the settling our great Concern the Militia: We have already, according to our Duties, and the Laws, declared the fole Right of the Militia to be in your Majesty: And we humbly tender your Majesty a Bill for the better Regulation and Ordering the Standing Forces of the Nation; wherein we have taken care to make all things fo certain, that your Lieutenants and their Deputies may know what to command, and all the People learn how to obey. And, because our late Wounds are yet but green, and possibly before the Body politic be well purg'd, may incline to break out again, whereby your Majesty may be forc'd to draw your Sword before your Treasury be supply'd with Money, we have consented that your Majesty may raise for the three next ensuing Years, one Month's Tax in each Year, after the Rate of seventy thousand. Pounds per Mensem, if necessity shall so require. In the next place, according to your Majesty's Commands, we have furvey'd the wasted Revenue of the Crown; and in pursuance of our Promises, do humbly propound to your Majesty a fair Addition: We consider'd that great Part of your Revenue is but for Life, and depends upon the Peace and Trade of the Nation, and therefore may be much impaired by foreign Wars; therefore we have fought fomething that might arise within our Walls, and not be subject to fuch Contingencies. We fix'd at last upon those Places where we enjoy our greatest Comforts and Securities, our Dwelling-houses; and, considering even that Security is secured to us by your Majesty's Vigilance and Care in the Government, we have prepared a Bill, That all Houses in this Kingdom, of the yearly Value of above twenty Shillings, and not inhabited by Alms-men, shall pay to your Majesty, your Heirs and Successors, two Shillings yearly, for every Chimney-hearth in each House for ever When the great Achirophels of our latter Age had by force ravish'd the venerable Laws of this Nation, then every petty Artist in his way, yea the very common Beggars had the Considence to offer Violence to their Chastity. We have therefore been constrain'd to prepare several Bills for the Regulation of Trade, our Cloathing-Trade, our Fishing-Trade, our Trade for Smits, our Trade for Silks; and for the better Maintenance of Intercourse in Trade, to re-inforce our former Laws for maintaining the Highways, with some Additions for Decency and Pleasure of Travellers. God in his Providence hath determin'd, That the

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Canal. Poor we must have always with us: Some are made so by the immediate Hand of God; others by their Loyalty, Duty and Service to your royal Person, and your blessed Father; others by their own Wickedness and Idleness: We have taken care to relieve the firth, to encourage the fecond, and to reform the last. Nor bath the Case of any private Person been unwelcome to us; those many private Bills that lie before your Majesty do enough confirm this Truth, That where we found it just and honourable, we have deny'd our helping Hand to none that pray'd it. And, now, great Sir, after these many Months most painful and faithful Service of your Majetty and our Countries, we hope we shall have leave to go home, to visit our Relations, to tell our Neighbours what great things your Majesty hath done for us, what great things, abjut Invidia Kerbe, we have done for your Majesty, and what great things God hath done for us all; and to pray Almighty God for his Mercy to this Nation, in the Continuance of your Majesty's long and happy Reign over us.

At the patting of the foremention'd Bills, the King made

the following Speech.

The King's Speech to both Houses at the Prorogation.

My Lords, and you Gentlemen of the House of Commons, Think there have been very few Sellions of Parliament, in which there have been fo many Bills, as I have passed this Day: I am confident, never so many private Bills, which I hope you will not draw into Example. It is true, these late ill Times have driven Men into great Streights, and may have oblig'd them to make Conveyances colourably, to avoid Inconveniences, and yet not afterwards to be avoided; and Men have gotten Eftares by new and greater Frauds than have been heretofore practis'd: And therefore in this Conjuncture, extraordinaryRemedies may be necessary, which hath induced me to comply with your Advice, in patting these Bills; but I pray let this be very rarely done hereafter. The good old Rules of the Law are the best Security; and let not Men have fo much Cause to fear, That the Settlements they make of their Estates, shall be too easily unsettled. when they are dead, by the Power of Parliaments.

My Lords and Gentlemen, You have so much oblig'd me, not only in the Matter of those Bills which concern my Revenue, but in the Manner of passing them, with so great Affection and Kindness to Me, that I know not how to thank you enough. I do assure you, and I pray assure your Friends in the Country, That I will apply all you have given me, to the utmost Improvement of

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the Peace and Happiness of the Kingdom; and will, with Anno 14Car. II. the best Advice and good Husbandry I can, bring my Ex-pences within a narrower Compass. Now I am speaking to you of my own good Husbandry, I must tell you, that will not be enough: I cannot but observe to you, That the whole Nation seems to me a little corrupted in their · Excess of living. Sure all Men spend much more in their Clothes, in their Diet, in all their Expences, than they have used to do. I hope it hath only been the Excess of Joy, after so long Sufferings, that hath transported us to these other Excesses; but let us take heed that the · Continuance of them doth not indeed corrupt our Natures. I do believe I have been faulty myself; I promise you, I will reform, and if you will join with me in your several Capacities, we shall by our Examples do more Good, both in City and Country, than any new Laws would do. I tell you again, I will do my Part; and I will tell some of you, if you do not do yours. hope the Laws I have pass'd this Day, will produce fome Reformation with reference to the Multitude of Beggars and poor People which infest the Kingdom: Great Severity must be used to those who love Idleness and refuse to work, and great Care and Charity to those who are willing to work. I do very heartily re-commend the Execution of those good Laws to your ut-most Diligence; and I am sure I need not put you in mind so to settle the Militia, that all seditious Insurrections may not only be prevented, to which the Minds of too many are inclined, but that the People may be without reasonable Apprehension of such Insecurity. You will easily believe, that it is very necessary for the public Justice of the Kingdom, and even for the Preservation of the Reverence due to Parliaments, that I make this a Session; and it will be worthy of your Wisdoms when you come together again, to provide that there be not so great a Clamour against the multitude of Protections. I will say no more, but renew my hearty Thanks to you all, and refer the rest to the Chancellor."

Accordingly the Lord Chancellor made a long and The Substance affecting Speech, of which some Account ought to be of the Lord given. He told them, 'That they had, like the richest Chancellor's and noblest Soil, yielded the King two full Harvests in one Year; and therefore it was but good Husbandry to lie fallow for some time: They had not only supply'd the Crown to a good degree for discharging many Debis and Preflures, under which it even groan'd, and enabled it to struggle with the present Streights and Necessities, TOME I.

Anno 14 Car. II. Debts not contracted, and Necessities not run into by Improvidence and Excess; but they had wisely provided fuch a conflant growing Revenue, as might with God's Bleffing preferve the Crown from those scandalous Wants and Necessities, as had lately exposed it and the Kingdom to those dismal Miseries, from which they were but even now buoy'd up: For whatsoever other human Causes might be affign'd, according to the feveral Fancies of Men, of the late miserable Distractions, they could not be so reasonably imputed to any one Cause, as to the extreme Poverty of the Crown: The want of Power could never have appeared, if it had not been for the want of Money. They had therefore worthily provided for the Vindication and Manifestation of the one by the Bill of the Militia, and for the Supply of the other by the Act for the Additional Revenue; and he doubted not but both the present and succeeding Ages would bless God, and celebrate their Memories for those two Bills, as the Foundation of their Peace, Quiet and Security. Then he proceeded to take notice, 'That the Spirit of Libelling was never more pregnant than at present; neither King, Parliament, Church, nor State could escape those Strokes of the Tongue, from which God alone could preserve the most innocent and excellent Persons. Men, he faid, were no ways dispos'd to remember the general excellent Temper of the Time of Queen Eliza-beth, the bleffed Refignation of the People then to the Crown, the awful Reverence they then had to the Government, and to the Governors both in Church and State; but they remember, as if it was but Yesterday, how few Subfidies Parliaments then gave to the Queen, how small Supplies the Crown then had from the People, and wonder that the same Measures should not give the fame Reputation, and make the fame Noise in Christendom. But they were superior to such Reproaches, and well knew, that as to his present Majesty, at least two Parts of three, that have been given to him, have been isfu'd out for Disbanding Armies never raised by him, and for Payment of, Fleets never fent out by him, and of Debts never contracted by him. They also knew the vast Disparity between the former Times and the present: upon the account of the mighty Encrease of Commerce, Naval Powers, and other extraordinary things, in the feveral Parts of the World; so that the Crown was now at the necessary Expence by Sea and Land, of eight hundred thousand Pounds a Year, which formerly did not cost it eighty thousand Pounds a Year.

After this he proceeded to other Topics, and intimated the Necessity of making the People understand 'the Profit,

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Benefit and Fale, which always attended a chearful Obe- Anno 14 Car. II dience, and Submission to Laws and Government; and declar'd that a little Pains, Kindness and Condescension in the Wife, towards the Weak, half the Diligence and Dexterity in Conversation and Example, which had been used to corrupt the People in their Loyalty and Understanding, would quickly reduce them to their primitive Temper, namely, to be the best Neighbours, and the best Friends, and the best Subjects in the World. And he doubted not but the great Piety and Devotion, the Moderation, Charity and Hotpitality of the Bishops, in their several Dioceses, would in a short time recover the poor mis-led People: And the Frowardness and Pride of some of their Teachers was not enough fubdu'd; tho' some of the Clergy fill repeated their old Errors, and did fill discredit all their other Doctrine, with the Absence of any visible Repentance; yet he hoped the Laity would foon return into the Bosom of the Church, and eafily discern the Fraud and Imposture of their Seducers; and that all Diligence would be used, heartily to reconcile both Clergy and Laity, by all Means which may prove effectual. Then speaking of the Sharpness of the new Laws, he intimated, That the Execution of them still depended upon the Wisdom of the most discerning, generous, and merciful Prince, who having had more Experience of the Nature and Humour of Mankind, than any Prince living, could best distinguish between the Tenderness of Conscience, and the Pride of Conscience, between the real Effects of Conscience, and the wicked Pretences to Conscience; who knew how to guard himself and the Kingdom from the Violence of a maliclous corrupted Will and Understanding, and to secure both from the feeble Nets of deluded Fancies and Imaginations: In a word, a Prince of so excellent a Nature, and so tender a Conscience himself, that he had the highest Compassion for all Errors of that Kind, and would never fuffer the Weak to undergo the Punishment ordain'd for the Wicked.' Then he intimated to them, That many honest Persons, in the late Times, were misled by not discerning Consequences, who would as soon have renounc'd their Part in Heaven, as concurr'd in the first unwarrantable Action, if they had suspected what follow'd But the most dangerous Enemies to the public Peace, he faid, were the Republicans, the Commonwealths-Men, who were every Day calling in the Aid of the Law, that they might overthrow the Law, which they knew to be their irreconcileable Enemy; a People restless in their Counsels, and no less punctual and industrious in their Correspondencies, abroad as well as at H 2

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home: Therefore they could not be too vigilant and inquifitive as to those Men. Then speaking of the Happiness they had procured, he told them, 'That they wanted only one Blessing, the Arrival of their Queen, whom God had now safely brought to the Nation; a Queen of such rare Perfection in Body and Mind, of such great Endowments of Wisdom, Virtue, and Piery, that they might from her reasonably promise themselves all the Happiness they were capable of; and there could not be a more transcendent Instance of the King's Love and Passion for his People, than that he had stay'd these four Days to take his leave of them; and that he might give them this Day's Work, all these good Laws, had deny'd himself so long the enjoying the greatest Comfort he is assured of in this World. Then exhorting them again to testify their Joy, and transmit it into their Countries, he, by the King's Command, prorogu'd the Parliament till the 18th Day of February.

The End of the Second Session of the Second Parliament.

The third Seffi-

On February 18, 1662-3, the Parliament met after a Recess of nine Months; upon which occasion his Majesty made the ensuing Speech to both Houses, from the Throne.

The King's Speech to both Houses.

My Lords and Gentlemen, Am very glad to meet you here again, having thought the time long fince we parted, and have often wish'd you had been together to help me in some Occasions which have fallen out: I need not repeat them to you, you have all had the noise of them in your several Counries; and, God be thanked, they were but noise without any worse Effects. To cure the Distempers, and compose the differing Minds among us, I set forth my Declaration of the 26th of December, in which you may fee I am willing to fet bounds to the Hopes of some, and to the Fears of others; of which when you shall have examin'd well the grounds, I doubt not but I shall have your concurrence therein. The truth is, I am in my nature an Enemy to all Severity for Religion and Conscience, how mistaken soeven it be, when it extends to capital and fanguinary Punishments, which I am told were begun in Popish Times: Therefore when I say this, I hope, I shall not need to warn any here not to infer from thence, I mean to favour Popery. I must confess to you, There are many of that Profession, who, having ferv'd my Father and my felf very well, may fairly hope for some part of that Indulgence I would willingly afford to others who diffent from us: But let me explain my felf, left some mistake me herein, as I hear they did in

my Declaration: I am far from meaning by this a Tole- Anno 15 Car. II ration, or qualifying them thereby to hold any Offices or Places in the Government; nay further, I defire some Laws may be made to hinder the Growth and Progress of their Doctrines. I hope you have all so good an opinion of my Zeal for the Protestant Religion, as I need not tell you I will not yield to any therein, not to the Bishops themselves, nor in my liking the Uniformity of it, as it is now established; which, being the Standard of our Religion, must be kept pure and uncorrupted, free from all other Mixtures: And yet if the Diffenters will demean themselves peaceably and modestly under the Government, I could heartily wish I had such a power of Indulgence, to use upon occasions, as might not needlesly force them out of the Kingdom, or staying here, give them cause to conspire against the Peace of it. My Lords and Gentlemen, it would look like Flattery in me to tell you to what degree I am confident of your Wisdom and Affection in all things that relate to the Greatness and Prosperity of the Kingdom. If you consider well what is best for us all, I dare say we shall not disagree. I have no-more to fay to you at prefent, but once again to bid you heartily welcome."

After this the Commons being withdrawn, appointed the 25th for taking into confideration, both his Majesty's Speech and the Declaration mentioned therein: At which time they unanimously resolved, That the Thanks of the House should be return'd to the King's Majesty for all that was contain'd in the Declaration, except what related to the Indulgence; with regard to which, they appointed a Committee (who chose Sir * Heneage Finch the King's Solicitor, for their Chairman) to draw up an Address, that, after several Amendments and Additions, was presented to his Majesty, by the Speaker on the 27th; and, after the particular Thanks for the several Parts of the Declaration, proceeded thus: 'It is with extreme Unwillingness and Re- The Commons luctancy of Heart, that we are brought to differ from any Address in relathing which your Majesty has thought fit to propose: And tion to the Intho we do no way doubt, but that the unreasonable Dif-dulgence. tempers of Mens Spirits, and the many Mutinies and Conspiracies which were carried on, during the late Intervals of Parliament, did reasonably incline your Majesty to endeavour by your Declaration to give some allay to those ill Humours, till the Parliament affembled; and the Hopes of Indulgence, if the Parliament should consent to it; espe-

^{*} Afterwards Attorney-General, Lord-Chancellor, and created Earl of Nottingbam.

more car. If: cially feeing the Pretenders to this Indulgence did feem to make some Fitles to it, by virtue of your Majesty's Declaration from Breda: Nevertheless, we your Majesty's most dutiful and loyal Subjects, who are now return'd to ferve in Parliament, from those several Parts and Places of your Kingdom, for which we were chosen, do humbly offer to your Majesty's great Wisdom, That it is in no fort adviseable that there be any Indulgence to such Persons, who prefume to diffent from the Act of Uniformity, and the Religion established. For these Reasons, we have confidered the Nature of your Majesty's Declaration from Breda, and are humbly of opinion, That your Majefty ought not to be pres'd with it any farther; 1. Because it is not a Promife in it felf, but only a gracious Declaration of your Majesty's Intentions, to do what in you lay, and what a Parliament should advise your Majesty to do; and no fuch Advice was ever given, or thought fit to be offered; nor could it be otherwise understood, because there were Laws of Uniformity then in being, which could not be difpens'd with, but by Act of Parliament. z. They who do pretend a Right to that supposed Promile, but the Right into the hands of their Representatives, whom they chose to serve for them in this Parliament, who have pass'd, and your Majesty consented to, the Act of Uniformity: If any shall presume to say, That a Right to the Benefit of this Declaration doth fill remain after this Act passed; 3. It tends to dissolve the very Bonds of Government, and to suppose a Disability in your Majesty and the Houses of Parliament, to make a Law contrary to any Part of your Majefty's Declaration, tho both Houses should advise your Majesty m it.

> We have also consider'd the Nature of the Indulgence. propos'd, with reference to those Consequences which must necessarily attend it. 1. It will establish Schism by a Law, and make the whole Government of the Church precarious, and the Cenfures of it of no Moment or Confideration at all. 2. It will no way become the Gravity or Wisdom of a Parliament, to pass a Law at one Session for Uniformity, and at the next Selfion (the Reasons of Uniformity continuing still the same) to pass another Law to frustrate or weaken the Execution of it. 3. It will expose your Majesty to the restless Importunity of every Soct or Opinion, and of every fingle Person also, who shall presume to diffent from the Church of England. 4. It will be a cause of increafing Sects and Sectaries, whose Numbers will weaken the true Protestant Profession so far, that it will at least be difficult for it to defend it self against them: And, which

is yet further confiderable, those Numbers, which by being Anno to Car. H. troublesome to the Government, find they can arrive to an Indulgence, will, as their Numbers increase, be yet more troublesome, that so at length they may arrive to general Toleration, which your Majesty hath declared against; and in time, some prevalent Sect will at last contend for an Establishment; which, for ought can be foreseen, may end in Popery. 5. It is a thing altogether without Precedent, and it will take away all means of convicting Recufants. and be inconfiftent with the Method and Proceedings of the Laws of England. Lastly, It is humbly conceiv'd, that the Indulgence propos'd will be so far from tending to the Peace of the Kingdom, that it is rather likely to occasion great Disturbance. And on the contrary, That the afferting of the Laws, and the Religien established, according to the Act of Uniformity, is the most probable means to produce a fettled Peace and Obedience throughout your Kingdom: Because the Variety of Professions in Religion, when openly indulg'd, doth directly diftinguish Men into Parties, and withal gives them opportunity to count their Numbers; which, confidering the Animofities that out of a religious Pride will be kept on foor by the several Factions, down tend directly and inevitably to open Disturbance. Nor can your Majesty have any Security, that the Doctrine or Worship of the several Factions, which are all govern'd by a several Rule, shall be consistent with the Peace of your Kingdom And if any Persons shall presume to disturb the Peace of the Kingdom, we do in all humility declare, That we will for ever, and on all occasions, be ready with our utmost Endeavours and Assistance to adhere to, and serve your Majesty, according to our bounden Duty and Allegiance.

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To this Address, his Majesty gave this gracious Answer: The King's An-' That he gave them hearty Thanks for their many Thanks; swer.

' that never any King was so happy in a House of Com-'mons, as he in this; that the Paper and Reasons were ' long, and therefore he would take time to confider of them,

' and fend them a Message; that they could never differ but in Judgment, and that must be when he did not right-' ly express himself, or they did not rightly understand

' him; but their Interest was so far linked together, that they could never disagree.' According to this Promise, a little above a Fortnight after, on the 16th of March, he sent this Mellage to the House of Commons: 'That he was un- And Message. willing to enlarge upon the Address lately made to him

by his House of Commons, or to reply to the Reasons, tho' he found what he said not much understood; but he ' renew'd his hearty Thanks to them, for their Expressions

of fo great Duty and Affection, and for their free Declaration, That if any Person shall presume to disturb

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ingo I (Car. II. the Peace of the Kingdom, they will for ever, and upon all occasions, be ready with their utmost Endeavours and Affiftance, to adhere to, and serve his Majesty; and did very heartily defire them so to enable him, and to put the Kingdom into such a posture of Defence, as that if any Disturbance or seditious Designs arose, they might be ea-fily suppress'd.' To all which the House of Commons

returned their particular Thanks and Promifes.

Lords and Commons petition against Papists.

The House having thus manifested their Zeal against Differences, proceeded next, in conjunction with the Lords, to draw up an humble Representation to the King, concerncerning Romish Priests and Jesuits; which was as follows: The humble Representation and Petition of the Lords and Commons, sheweth, That notwithstanding your Majesty's unquestionable Affection and Zeal for the true Protestant Religion, manifested in your constant Profession and Practice, against all Temptations whatsoever; yet, by the great Refort of Jesuits and Romish Priests into this Kingdom, your good Subjects are generally much affected with Jealoufy and Apprehension, That the Popish Religion may much increase in this Kingdom, which your Majesty hath most piously desired may be prevented; and so the Peace both in Church and State may be insensibly disturbed, to the great danger of both. Your two Houses of Parliament are therefore humble Suitors to your Majesty, to iffue out your Proclamation to command all Jesuits, and all English, Irish and Scottish Popish Priests, and all such other Priests as have taken Orders from the See of Rome, or by Authority thereof, (except such Foreign Jesuits or Priests, as by Contract of Marriage are to attend the Persons of either of the Queens, or by the Law of Nations to attend Foreign Ambassadors) to depart this Kingdom by a Day, under pain of having the Penalties of the Law inflicted upon them.'

The King's Reply to it.

This Representation having been read to his Majesty, he immediately made the following Speech to both Houses: My Lords, and Gentlemen, You do not expect that I fhould give you an Answer presently to your Petition, yet

I tell you, that I will speedily send you an Answer, which I am confident will be to your fatisfaction. It may be

the general Jealousy of the Nation hath made this Address necessary; and indeed I believe nothing hath more

contributed to that Jealoufy than my own Confidence, That it was impossible there should be any such

· Jealoufy, and the Effects of that Confidence: But I shall give you Satisfaction, and then I am fure you will eafily

atisfy and compose the Minds of the Nation. I contest, my Lords and Gentlemen, I have heard of one Jealoufy,

which I will never forgive the Authors of, That I had Anno 15 Car. II. a Jealousy of your Affections, that I was offended with the Parliament to that degree that I intended to diffolve it. They fay Men are naturally most angry with those Reports which reflect upon their Understanding, which make them thought weak Men: Truly, I should appear a very weak Man, if I should have any such Passion, any such Purpose. No, my Lords, and Gentlemen, I will not part with you upon those terms! Never King was so much beholden to a Parliament as I am to you, and if my Kindness to you and my Confidence in you be not proportionable, I am behind-hand with you; which, God-willing, I will not be, and do carry

Mr. Speaker, and you Gentlemen of the House of Commons, I am willing to take this occasion to give you my particular Thanks for your great Kindness in taking hold upon an easy Intimation, rather than an Invitation from me, to enter upon the Consideration of my Revenue: It was kindly done, and I shall never forget it. I have given order, that you may be fully inform'd of the true State of it, and then I know you will do that which is good for me, and you: And I pray pursue your good Resolution, in putting the Kingdom into such a posture, that we may prevent, at least not fear, any desperate In-

" furrection."

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The King, according to his Promise, the very next day fent an Answer to the Petition in Writing to the House of Lords, which, in a Conference between both Houles, was A fecond Anlikewise deliver'd to the Commons, and was as follows: swer. His Majesty, having seriously consider'd and weigh'd the humble Representation and Petition of his Lords and Com-' mons affembled in Parliament, and the great Affection and Duty with which the same was presented to him; and after having made some Reflections on himself and his own Actions, is not a little troubled, that his Lenity and Condescensions towards many of the Popish Persua-" fion (which were but natural Effects of his Generofity and Good-nature, after having lived so many Years in the Dominions of Roman-Catholic Princes; and out of a ' just Memory of what many of them had done and fustered in the Service of his Royal Father of bleffed Memory, and of some eminent Services perform'd by others of them, towards his Majesty himself in the time of his greatest Affliction) have been made so ill use of, and so ill deferv'd, that the Refort of Jesuits and Priests into this Kingdom hath been thereby increas'd; with which his "Majesty is, and hath long been highly offended. And therefore his Majesty readily concurs with the Advice of ' his two Houses of Parliament, and hath given order for TOME I.

Anno 15Car, II. 1663.

the preparing and issuing out such a Proclamation as is defired, with the same Clause referring to the Treaty of Marriage, as was in the Proclamation; which, upon the like Occasion, was issu'd out upon the Advice of both Houses of Parliament in the Year 1640. And his Majesty will take farther care, that the same shall be effectual, at least to a greater degree than any Proclamation of this kind hath ever been. And his Majesty farther declares, and afflires both his Houses of Parliament, and all his loving 'Subjects of all his Dominions, that as his Affection and ' Zeal for the Protestant Religion and the Church of Eng-' land hath not been conceal'd, or untaken notice of in the World: so he is not, nor ever will be so solicitous for the fettling his own Revenue, or providing any other Expedients for the Peace and Tranquillity of the Kingdom, as for the Advancement and Improvement of the 'Religion establish'd, and for the using and applying all proper and effectual Remedies to hinder the growth of Popery; both which he doth in truth look upon as the best Expedient to establish the Peace and Prosperity of all his Kingdoms.

The King's Revenue taken into Confideration. The House proceeded next, to take the State of the Revenue into Consideration; and found upon Enquiry, according to the Account made by *Sir Philip Warwick, That the Whole did not amount to quite 1,100,000 l. But while they were thus employ'd, his Majesty, by a Message, demanded their Attendance at Whitehall, where he received them with the following Speech:

The King's Speech to the Commons alone.

'Mr. Speaker, and you Gentlemen of the House of Commons, Have fent for you this Day to communicate with you, as good Friends ought to do, when they discover the least Jealousy growing, which may lessen their Confidence in each other. It is a Freedom very necessary to be used between me and you: And you may all remember, That when there was lately a little Jealoufy amongst you, upon fomewhat I had faid or done, I made all the hafte I could to give you Satisfaction; for which you all return'd me your bearty Thanks; and were, I think, fatisfy'd. Gentlemen, it is in no Man's power, no not in your own power, to make me suspect, or in the least degree imagine it possible, That your Affections and Kindness is lessen'd or diminish'd towards me. I know very well, That the People did never in any Age use that Vigilance and Circumspection in the Election of Persons of known and try'd Affections to the Crown, of your good Principles, and unquestionable Inclinations to the Peace of the 'Church and the State, for their Representatives in Par-· liament,

* Clerk of the Signet.

liament, as they did when they chose you. You are the Anno 15 Car. II. very same Men, who at your first coming together, gave fuch fignal Testimonies of your Affection and Friendship to my Person, of your Zeal for the Honour and Dignity of the Crown, and liberal Support of the Government, and of your Horror and Detestation of those Men, whose Principles you discern'd keep them awake to take all Occasions to disturb the Peace of the Kingdom, and to embroil us in a new Civil War; which is as much their Endeavour now as ever, and it may be not enough abhorr'd by others, whose Principles and Ends are very different from them. You are the same Men, who, at your first ' Meering, by a wonderful and chearful Harmony and · Concurrence in whatfoever I could wish, gave me Reputation abroad and Security at home, made our Neighbours folicitous for our Friendship, and set a just Value ' upon it. And, trust me, such a Reputation is of such a vast Importance, as made my evil Subjects even despair of bringing their wicked Purposes to pass. And is it possible that the same Persons can continue the same together, without the same Affection for Me? I am sure

it is impossible! And yet, I must tell you, the Reputation I had from your Concurrence and Tenderness towards me is not at all improv'd fince the Beginning of this Session: Indeed it is much lessen'd. And I am sure I never stood in. ' more need of that Reputation than at present, to carry ' me through the many Difficulties, in which the Public ' is at least concern'd, as much as myself. Let Me and 'You think never so well of ourselves, if all the World 'knows or believes that we are poor, that we are in Extremity of Want, if our Friends think we can do them no 'Good, or our Enemies believe we can do them no harm, our Condition is far from being prosperous. You cannot ' take it amis (you shall use as much Freedom with me) 'That I tell you there hath not appeared that Warmth 'in you of late in the Consideration of my Revenue, as I expected, as well from some of your Messages, as my own Confidence in your Care and Kindness. been said to myself, That it is usual for the Parliament to give the Crown extraordinary Supplies upon emergent Occasions, but not to improve the constant Revenue of the Crown. I wish, and so do you, that nothing had ' lately been done in and by Parliaments but what is usual: But if ill Parliaments contrive the Ruin and Difinherison of the Crown, God forbid but good Parliaments should repair it, how unufual foever it is. If you yourfelves had not in an extraordinary Manner improv'd my Re-

Anno 15 Car. II. venue, the Government could not have been supported? and if it be not yet improv'd to the Proportion you have defign'd, I cannot doubt but you will proceed in it with your old Alacrity. I am very well contented that you proceed in your Inspection; I know it will be to my Advantage, and that you will neither find my Receipts for great, nor my Expences fo exorbitant, as you imagine: And for an Evidence of the last, I will give you an Account of the Issues of the twelve hundred thousand Pounds you so liberally gave me; one Penny whereof was not disposed but upon full Deliberation with myself. and by my own Order, and I think you will all fay for the public Service. But, Gentlemen, this Inquisition cannot be finish'd in the short Time we can now conveniently stay together: And yet if you do not provide before we part, for the better Paying and Collecting what you have already given me, you can hardly prefume what it will amount to: and if you do not support what you have already given me by some Addition, you will quickly see lawful Ways found to lessen the Revenue more than you imagine: And therefore I cannot but expect your Wisdoms will seasonably and speedily provide a Remedy for that growing Mischief. Believe me. Gentlemen, the most disaffected Subjects in England are not more unwilling to pay any Tax or Impolition you lay upon them, than I am to receive it: God knows I do not long more for any Bleffing in this World, than that I may live to call a Parliament, and not ask or receive any Money from them; I will do all I can to see that happy Day. I know the vast Burdens the Kingdom hath borne these last twenty Years and more; that it is exceedingly impoverish'd: But, alas! What will that which is left do them good, if the Government cannot be fupported; if I am not able to defray the Charge that is necessary for their Peace and Security? I must deal plainly with you (and I do but discharge my Conscience in that Plainness) if you do not, besides the improving my Revenue in the Manner I have recommended to you, give me some present Supply of Money to enable me to struggle with those Difficulties I am press'd with, I shall have a very melancholic Summer, and shall much apprehend the public Quiet.

You have heard, I prefume, of the late Defign in Ire-' land for the Surprize of the Castle of Dublin, which was fpread all over that Kingdom, and many Parliament-Men were engag'd in it. There is an absolute Necessity that I forthwith fend over a Sum of Money thither, for the Payment of the Army, and putting the Gartisons there

in good order. You will not doubt but that those fedi- Anno zgCar.II tious Persons there, had a Correspondence with their Friends here: And I pray let us not be too careless of them. I affure you, I have so great Occasion for Money here, which my Revenue cannot supply me with, that I every day omit the doing somewhat that is very necessary for the public Benefit. These sure are just Motives to perfuade you to give me a Supply, as ever mov'd a House of Commons. And therefore I conjure you to go chearfully about it, and let me not be disappointed in my Confidence of your Affections: And I pray remember the Season of the Year; and how necessary it is that we make a Recess at or about Midsummer. I have enlarg'd much more to you upon this Occasion than I have used to do: and you may perceive it hath not been very easy to me: But I was willing that you should understand from myself what I defire, and expect from you: and the rather, because I hear some Men have confidently undertaken to know my Mind, who have had no Authority from me, and to drive on Defigns very contrary to my Defires. I do pray heartily that the Effect of this Day's Conversation may be the renewing of our Confidence in each other, and raising our joint Reputation, which will be our ftrongest Security, with God's Blessing, the Kingdom can have for its Peace, Plenty and full Prosperity: And upon my Word, you shall have great Comfort in what you shall do for me, upon this very earnest and hearty Recommendation.

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This Speech did not fail of its desir'd Effect: The House gave way to the King's Rhetoric, and foon after, voted Four Subfidies him four Subfidies. The Business of the Session being now voted. over, his Majesty repair'd to the House of Peers, and the Speaker having presented the Bills which were ready for the royal Affent, accompanied them with the following Speech: 'The Knights, Citizens, and Burgesses of the The Speaker's Commons House of Parliament, have, fince their last Meet- Speech to the ing, in many weighty and arduous Affairs presented your King at the Majesty with their humble Advice; which with all Thankfulness they acknowledge, never wanted a most gracious Reception. Never any Prince did so freely commune with his People, and never any People did with more Joy and Duty commemorate their Happiness. The last Session of Parliament our Care was chiefly to fecure the Being of this Nation under our ancient, happy, monarchical Government: This Seffion we have endeavour'd to advance the Peace and Wellbeing both of Church and State. Material Structures are best secured by deep Foundations in the Earth; but the Founda -

Anno 15 Car. IL Foundations of true Happiness are from above: We have therefore in the first Place perused the Laws, which enjoin the Observation of the Lord's-Day, and where we found any Defect either in the Rules or Penalties, we have with great Care supply'd them; well knowing, That he who doth not remember on the first Day of the Week to observe a Christian Sabbath, will hazard, before the Week comes round, to forget he is a Christian.—At the Opening of this Session, your Majesty was most graciously pleased to call upon us to prepare some Laws for the Prevention of the Growth of Popery; and we have heartily labour'd therein, both to prevent the Growth of Popery, and all forts of Sectaries and Nonconformists: But as the rankest Corn, and the fullest Ears are aptest to be laid; so fares it in this matter, these Fruits are not yet ready for the Harvest. But we are confident, by the Wisdom of your Majesty's Government, and the Readiness of your faithful Subjects to support it, by the just and true Execution of the Laws, these Persons will either be persuaded to Conformity, or forc'd into a peaceable and orderly Conversation.' Then, in the Name of the Commons of England, praying for one Proclamation against Papists, Sectaries, and Nonconformists; and another against Profaneness, Debauchery, and Licentiousness, he proceeded thus: 'And for the better securing the Peace of the Nation against the united Counsels of all the Diffenters to our Religion, and establish'd Discipline, we have prepared an additional Bill for the ordering the Forces of the Kingdom; whereby your Majesty's Lieutenants, and the Deputy-Lieutenants, will be enabled to train, discipline, and keep together such a Party as will be able to prevent Disorders, and sufficient to check any Insurrections, till the great Body of the Militia can come in to their Assistance. During the late unhappy Wars in this Nation, our Neighbours Eyes were open to fpy out all Advantages of spoiling our Trade, and to advance their own; but by the several good Bills here made ready for your Majesty's royal Assent, we hope we shall restore and encrease the flourishing Trade of this Nation. Great Sir, I have but one Word more, and that is by Command from your Majesty's loyal and dutiful Subjects, the Commons of England: They have duly confider'd the present unsettled Condition of this Nation, and the great Expence which must attend such Distractions: and do humbly befeech your Majesty to accept an Aid from them, confifting of four entire Subfidies; two of which are to be paid by the first of November next, and the other two by the first of May next following. Upon

Upon the finishing of this, and passing some Bills, of Anno 15 Car. 11. which several were not expresly mention'd by the Speaker, the King made the following Speech to both Houses:

My Lords and Gentlemen, Thank you for the Present you have made me this The King's Day; I hope your Countries will thank you when you Speech to both come home for having done it. I am not conscious of Houses, having brought the Streights and Necessities I am in upon myself, by any Improvidence or Ill-husbandry of my own: I know the contrary, and I affure you, I would not have defir'd, or receiv'd the Supply you have given me, if it were not absolutely necessary for the Peace and Quiet of the Kingdom, as well as mine: And I must tell you, it will do me very little Good, if I do not improve it by very good Husbandry of my own; and by retrenching those very Expences, (which in many respects may be thought necessary enough.) But you shall see I will much rather impose upon myself, than you my Subjects; and if all Men will follow my Example in retrenching their Expences, (which it may be they may do with much more Conveniency than I can do mine) the Kingdom will in a very fhort time gain what you have given me this Day. I am very glad you are now going into your feveral Countries, where your Presence will do much Good: And I hope your Vigilance and Authority will prevent those Disturbances, which the restless Spirits of ill and unquiet Men will be always contriving, and of which I assure you they promise themselves some Effects There have been more Pains and unufual this Summer. Ways taken to kindle the old fatal Fears and Jealousies, than I thought I should ever have liv'd to have seen, at least to have seen so countenanc'd. I do desire you, and conjure you, my Lords and Gentlemen, to watch this evil Spirit and Temper with your utmost Care and Prudence, and secure the Persons of those whom you find posses'd with it, That the Peace of the Kingdom may not be facrific'd to their Pride, Humour and Madness.

'I did expect to have had some Bills presented unto me against the several Distempers in Religion, against seditious Conventicles, and against the Growth of Popery: But ' it may be you have been in some fear of those Contradictions in Religion in some Conspiracy against the public Peace, to which I doubt Men of the most contrary Mo-' tives in Conscience are inclinable enough. ' mise you to lay this Business, and the Mischiess which ' must flow from these Licences, to heart; and if I live ' to meet with you again, as I hope I shall, I will myself

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lano 15 Car. II. ' take care to present two Bills to you to that end. And as 4 I have already given it in charge to the Judges, in their ' several Circuits, to use their utmost endeavours to prevent and punish the scandalous and seditious Meetings of Sectaries, and to convict the Papifts; fo I will be as watchful, and take all the pains I can, that neither the one nor the other shall disturb the Peace of the Kingdom. I shall not need to defire you to use all diligence in levying and collecting the Subfidies you have given me, and heartily wish the diffribution may be made with all Equality and Justice, and without any Animosity or Faction, or remembring any thing that hath been done in the late ill Times; which you know we are all oblig'd to forget, as well as to forgive. And indeed till we have done so, we can never be in perfect Peace; and therefore I can never put you too much in mind of it. I think it necessary to make this a Sellion, that fo the Current of Justice may run the next two Terms, without any obstruction by privilege of Parliament: And therefore I shall prorogue you till March, when I doubt onot but by God's Bleffing we shall meet again, to our joint Satisfaction; and that you shall have cause to thank me for what I shall have done in the Interval.

The fourth Seffion of the fecond Parliament.

March 16, after an interval of near eight Months, the Parliament affembled again, and the King open'd the Seffion with a Speech from the Throne as follows.

The King's Speech to both Houses.

 My Lords and Gentlemen, 70 U see, God be thanked, we have met together again at the Time appointed; and I do affure you, I have been so far from ever intending it should be otherwise, that I do not know one Person who ever wish'd it shou'd be otherwise. Think therefore, I pray, what good mean-' ing those Men cou'd have, who from the time of the Pro-' rogation to the Day of your meeting, have continually whisper'd and industriously infus'd into the Minds of the People, that the Parliament shou'd meet no more; that it shou'd either be presently dissolv'd, or so continued by Prorogation, that they should be kept without a Parliament. I pray watch these Whisperers all you can, as "Men who use their utmost endeavours to sow Jealousies between You and Me; and I do promise you they shall ' not prevail with me; and I do promise myself, they shall not prevail with you: And the truth is, we are both concern'd they shou'd not; and we shall then, with God's Bleffing, prevent all the mischief they intend.

You may judge by the late Treason in the North, for which so many Men have been executed, how active the · Spirits

Spirits of many of our old Enemies still are, notwithstand- Anno 16Car. II. ing all our Mercy. I do affure you, we are not yet at the bottom of that Buliness. Thus much appears manifestly, that this Conspiracy was but a branch of that which I difcover'd, as well as I cou'd, to you about two years fince: and had been then executed nearer hand, if I had not, by God's Goodness come to the Knowledge of some of the principal Contrivers, and fo fecur'd them from doing the mischief they intended. And if I had not, by the like Providence, had timely notice of the very Hour, and feveral places of their Rendevouz in the North, and provided for them accordingly, by fending some of my own Troops, as well as by drawing the Train'd-Bands together, their Conjunction wou'd have been in greater numbers than had been convenient. You will wonder, but I tell true, they are, even now in those parts, and at this time, when they fee their Friends under Tryal and Execution, still pursuing the same Consultations: and it is evident they have Correspondence with desperate Persons in most Counties, and a standing Council in this Town, from which they receive their Directions, and by whom they were advis'd to defer their last intended Insurrection. But those Orders ferv'd only to distract them, and came too late to prevent their Destruction. I know more of their Intrigues than they think I do; and I hope I shall shortly discover the bottom: In the mean time, I pray let us all be as watchful to prevent, as they are to contrive their Mifchief. I cannot omit upon this occasion to tell you, that these desperate Men, as appears by several Examinations, have not been all of one mind in the ways of carrying on their wicked Resolutions. Some wou'd still insist upon the authority of the Long Barliament, of which they fay they have Members enough willing to meet: Others have fancied to themselves, by some computation of their own, upon some clause in the Triennial Bill, that this present Parliament was at end fome Months fince; and that for want of new Writs, they may affemble themselves, and chuse Members for Parliament: And this is the best expedient to bring themselves together for their own purpoles. For the Long Parliament, You and I can do no more to inform and compose the minds of all Men; let them proceed upon their Peril. But methinks there is nothing done to disabuse them in respect of the Triennial I confess, my Lords and Gentlemen, I have often myself read over that Bill; and the there is no Colour for the Fancy of the Determination of this Parliament, yet I will not deny to you, that I have always expected you would, and even admired you have not confider'd the TOME I.

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Anno 16 Car. II. wonderful Clauses in that Bill, which pass'd in a time very uncareful for the Dignity of the Crown, or Security of the People. I pray, Mr. Speaker, and you Gentlemen of the House of Commons, give that Triennial Bill once a reading in your House; and then, in God's Name, do what you think fit for me, and yourselves, and the whole Kingdom. I need not tell you how much I love Parliaments: Never King was fo much beholden to Parliaments as I have been: nor do I think the Crown can ever be happy without frequent Parliaments. But affure yourselves, if I did think otherwise, I would never suffer a Parliament to come together by the means prescribed by that Bill.

' My Lords and Gentlemen, I must renew my thanks to you, for the free Supply you gave me the last Session of four Subfidies; yet I cannot but tell you, that the Supply is fallen much short of what I expected, or you intended. It will hardly be believed, yet you know it to be true, that very many Persons who have Estates of three and four thousand Pounds a Year, do not pay for these four Subsidies sixteen Pounds: So that whereas you intended and declared, that they should be collected according to former Precedents, they do not now arise to half the proportion they did in the time of Queen Elizabeth; and yet fure the Crown wants more now than it did then, and the Subject is at least as able to give. The truth is, by the Licence of the late ill Times, and ill Humour of this, too many of the People, and even of those who make fair promises, believe it to be no Sin to defraud the Crown of any thing that is due to it You no fooner gave me Tonnage and Poundage, than men were devising all the ways they could to fleal Custom; nor can the Farmers be so vigilant for the Collection, as others are to steal the Duties. You gave me the Excise, which all people abroad believe to be the most insensible Imposition that can be laid upon a People: What Conspiracies and Combinations are enter'd into against it by the Brewers, who I am fure bear not that Burden themselves, to bring that Revenue to nothing, you may hear in Westminster-Hall. You have given me Chimney-Mony, which you have reason to believe is a growing Revenue, for Men build at ! least fast enough; and you will therefore wonder that it is already declined, and this half Year brought in less than the former did. I pray therefore review that Bill; and fince I am fure you wou'd have me receive whatfoever you give me, let me have the collecting and husbanding of it by my own Officers, and then I doubt not but to improve that Receipt, and will be cozen'd of as little as I can.

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I will conclude with conjuring you, my Lords and Anno 16 Car. 11. Gentlemen, to keep a very good Correspondence together, that it may not be in the power of any seditious or factious Spirits to make you jealous of each other, or either of you jealous of me; till you see me pretend one thing. and do another, which I am fure you have never yet done. Trust me, it shall be in no body's power to make me jealous of you. I pray contrive any good short Bills, that may improve the Industry of the Nation; and fince the Season of the Year will invite us shortly to take the Country Air, I defire you wou'd be ready for a Selfion, within two Months or thereabouts, and we will meet next earlier in the Year. And so God bless your Counsels!

In compliance with these Instructions from the Throne. the House immediately set about repealing the obnoxious Triennial Bill, which they stigmatiz'd as derogatory to the Prerogative of the Crown, and, as a fort of compensation, prepar'd another short one, which provided that Parliaments should not be intermitted above three Years. was no fooner ready, tho' the only one, but his Majesty went to the House on purpose to give the royal Assent to it: which he accompanied with the enfuing Speech.

' My Lords and Gentlemen,

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[70 U will easily believe that I have come very wil- The King's ling to give my Assent to this Bill. I do thank you Speech upon the very heartily for your fo unanimous concurrence in it, and repealing the for your defiring me speedily to finish it. And if I understand any thing that concerns the Peace and Security of the Kingdom, and the Welfare of my Subjects (all which I study more than my Prerogative, and indeed I consider my Prerogative in order only to preserving the other) every good Englishman will thank you for it: For the Act you have repeal'd could only serve to discredit Parliaments, and to make the Crown jealous of Parliaments, and Parliaments of the Crown, and perfuade neighbour Princes that England was not govern'd under a Monarch. It cou'd never have been the occasion of frequent Parliaments. I do promise you, I will not be an Hour the less without one for this Act of Repeal; nor I am fure will you be the less kind to me in Parliament. I do again thank you for your excellent Temper and Respect to me, and defire you so to proceed, that the Session may be within the time I proposed to you last. And I do assure you upon my word, and I pray believe me, that I will have no other thoughts or deligns in my Heart, but to make you all happy in the support of the Religion and Laws established: And if my own wants and necessities are at K 2

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any time grievous to me, it is only as I appreliend I may not be able sufficiently to provide for those, and for the Peace and Security of the Kingdom. And therefore I am consident, that you and I, who agree in the End, shall never differ in the Way.

Refolution of the Lords and Commons against the Dutch.

About this time, the Dutch growing out of favour at Court, it was represented in the House, that by the Advances they had lately made in Trade; our own was become in danger; which gave place to the following Refolution both of Lords and Commons, viz. That the Wrongs, Dishonours, and Indignities done to his Majesty by the Subjects of the United Provinces, by invading his Rights in India, Africa, and elsewhere; and the Damages, Affronts, and Injuries done by them to our Merchants, are the greatest Obstructions of our foreign Trade: and that the same be humbly and speedily presented to his Majesty; and that he be most humbly mov'd to take some speedy and effectual Course for Redress thereof, and all other of the like nature, and for prevention of the like in future: And in profecution thereof, they will, with their Lives and Fortunes, affift his Majesty against all Oppositions whatfoever.' Upon this Occasion both Houses waited upon his Majesty at the Banquetting-House on the 27th of April, and the next day received this following Answer in Writing: ' His Majesty, having consider'd the Address made to him

The King's Answer.

by his two Houses of Parliament, is very well pleas'd with the great Zeal they have express'd for the Advancement of the Trade of this Kingdom, and removing all Obstructions which may hinder the same; being wholly convinc'd. That it is that which contributes most to the Honour and Glory of the Nation, and the Prosperity of his People: And therefore his Majesty will examine and e peruse the particular Complaints which have been represented to his Parliament; and thereupon, according to their Advice, appoint his Minister at the Hague to demand speedy Justice and Reparation from the States-General, and also use his utmost Endeavours to secure his Subjects from the like Violences for the future: In the profecution of which, or upon the Denials of Justice, he depends upon the Promises of both Houses to stand by him, and returns them his hearty Thanks for their frank Declaration therein.' For which Royal Affurance, both Houses return'd their humble and hearty Thanks; and here was the Foundation, and the first Step towards the first Dutch War.

Mr. Prynne cenfured.

Soon after this Mr. Prynne, having taken the liberty to alter the Draught of a Bill relating to Public-Houses, having

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urged in his Excuse, That he did not do it out of any ill Anno reCar. Il Intent, but to rectify some Matters mistaken in it, and to make the Bill agree with the Sense of the House; the the House order'd him to withdraw, and after Debate, being again called in, the Speaker acquainted him, That the House was very sensible of this great Error and Mistake in so ancient and knowing a Member as he was, to break so material and effential an Order of the House, as to alter, amend, or interline a Bill after Commitment, without Order, Knowledge, or Direction of the Committee: But the House, had confider'd of his Answer and Submission, and were content at this time, in respect thereof, to remit the Of-

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The Bufiness of the Session being now brought to a period, the King came to the House of Peers, May 17, and, being seated on the Throne, the Speaker made the following Speech to his Majesty: 'At the Opening this Section, The Speaker's your Majesty was pleas'd to recommend several things to Speech to the the Care of your two Houses of Parliament; which we Prorogation deliberately consider'd, and unanimously presented our humble Advice thereupon. The first thing we took into Consideration, was the Act made in the 16th of the late King of glorious Memory for Triennial Parliaments: When we had given it a Reading, we found it derogatory to the effential Prerogative of the Crown, of Calling, Holding, and Diffolving Parliaments: We found it unpracticable, and only useful to learn the People how to rebel; therefore we melted it down, extracted the pure Metal from the counterfeit and droffy Allays, and then prefented it to your Majesty to be new stamp'd, and made current Coin for the Use of the Nation. We do return our most humble Thanks to your Majesty, that you were pleas'd to accept our Advice, and to pass our Bill: but more especially for those gracious Expressious your Majesty was pleas'd to use at that Solemnity, whereby we are affured not only of your personal Affection to Parliaments, but of your Judgment also, That the Happiness of the Crown confifts in the Frequency of Parliaments. next place we review'd the Act for Chimney-Money, which we intended a great Branch of your Majesty's Revenue, although by some Mistakes it is fallen short: And, in hopes your Majesty may improve that Receipt, we have prepar'd a Bill for Collecting that Duty, by fuch Officers as your Majesty and your Successors shall from time to time think fit to appoint.

Whilst we were intent upon these weighty Affairs, we were often interrupted by Petitions, and Letters, and Motions, representing the unsettled Condition of

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no iter.II. fome Counties, by reason of Fanatics, Sectaries, and Nonconformists: They differ in their Shapes and Species, and accordingly are more or less dangerous; but in this they all agree, they are no Friends to the Establish'd Government either in Church or State. And if the old Rule be true, Qui Ecclesia contradicit, non est pacificus, we have great reason to prevent their Growth, and to punish their Practice. To this purpose we have prepared a Bill against their frequenting of Conventicles, the Seedplots and Nurseries of their Opininons, under pretence of religious Worship. "The first Offence is made punishable with five Pounds, or three Months Imprisonment, and ten Pounds for a Peer: The second Offence with ten Pounds, or fix Months Imprisonment, and twenty Pounds for a Peer; but the third Offence, after a Tryal by a Jury, and the Tryal of a Peer by his Peers, the Party convicted shall be transported to some foreign Plantarion, unless he lays down a hundred Pounds." medicable Vulnus Enfe rescindendum, ne Pars sincera trabatur. We have had much Thought how to improve the Industry of the Nation, and prevent that Idleness and Li-centiousness which too fast grow upon us, especially by excessive and disorderly Gaming: Men are not content to sport away their precious Time, and play away their ready Money, but to lose or pawn their Houses and Lands, their Manors, and their Honours also. For the Prevention of the Growth of this Disease, we have prepared a Bill to make Securities for Money won at Play, whether Real or Personal, to be void.

We have examin'd also the Reasons of the Decay of Trade: In the first place, we found our Merchants undermin'd by Fraud and Practice, and sometimes beaten out in the East and West-Indies, in Turky, and in Africa, by our Neighbours the Dutch; who, besides the insufferable Indignities offer'd to your Royal Majesty and the Crown of England, have in a few years spoil'd your Subjects, to the Value of Seven or Eight Hundred Thousand Pounds. For Remedy whereof we have made our humble Address to your Majesty, and receiv'd a gracious Answer; and have no cause to fear but a short time will produce a just and honourable Satisfaction. The next Obstruction to our Trade, hath been a base degenerous Practice of some Seamen, who are willing to be robb'd by Pirates, that they may share in the Prize: We have therefore prepared a Bill for the Punishment of such traitorous Actions, and for the just Reward of those honest Seamen that shall preserve their Owners Goods, and manfully maintain the Ho lour of the English Nation. Some other Discoveries we have made, which

which may be the Subject Matter of future Bills; but in Anno 16Car. H. respect to your Majesty's Intimation of a short Session, we were not willing to attempt more than we could reasonably dispatch. And now, great Sir, give me leave with Joy, to remember the unparallel'd Unanimity that hath this Sesfion attended our Counfels: Our Constancy and Resolution hath been try'd beyond the Precedent of former Parliaments, or any other Sellion of this Parliament. The Heathens were wont to observe and envy the Christians for their Unity and Love of one another, Ecce ut invicem fe dilizunt CHR ISTI ANI! And may the happy Correspondence between your Majesty, and your two Houses, of Parllament, increase and grow to be the Envy of the World, till all your Majesty's Enemies are forced to cry, Ecce ut invicem se diligunt ANGLICANI.

In passing these Bills mention'd by the Speaker, the King

made the following Speech to both Houses:

' My Lords and Gentlemen, Did defire and conjure you at the Opening this Selfion, The King's that you would keep a very good Correspondence to. Speech to both gether, that it might not be in the power of any seditious Boules at the and factious Spirits to make you jealous of each other, or Prorogation. either of you jealous of me: And I defired you to be ready for a Session within two Months, or thereabouts. I must confess to you, you have comply'd very fully with me, for which I can never thank you enough: You have perform'd those good Respects towards me, and kept so very good Correspondence towards each other, that you have exceedingly disappointed those ill Men, who both at home and abroad had raised great Hopes and Expectations of new Troubles and Confusions. You have gratified me in all I defired, and are now ready for a Selfion within the time proposed. This Harmony will, with God's Bleffing, make us all efteem'd abroad, and fecure at home; and these Obligations cannot but make me think the time long till we meet again.

'This Season of the Year, and your own Affairs, will invite you into the Country; and your Presence there is of great Importance to my Service, and to the public Peace. You will watch those unquiet Spirits which are fill lurking, and ready to embrace all Opportunities to involve the Nation in new Distractions, under what specious Pretences soever: And you will carefully inform the People how much it is in their own power to be as happy as they can wish to be. Indeed, if they are truly sensible of their present Happiness, it will quickly be improved. I will add no more, but that I thank you

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and records. I all, and every one of you. And if God bless us till November, we will meet here again: I name November to you, because, if nothing extraordinary fall out, I refolve not to meet till then: But because somewhat extraordinary may fall out, you shall be at present prorogu'd but till August; and before that Day you shall have seafonable notice by Proclamation not to give your Attendance, except there be occasion, and then November will be the time.

The fifth Seffion of the fecond Parliament.

After a Recess of above fix Months, the Parliament met again on November 24. When the Sellion was open'd by his Majesty, in a Speech from the Throne, as follows:

The King's Speech to both Houles.

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Proregation.

When we parted last in this Place, I did not think we should meet have acres all a like in the part of the last acres are a like in the last acres acres are a like in the last acres are a li we should meet here again till November, though I prorogu'd you but to a Day in August: But must now tell you, that if I could have suspected, or reasonably have imagined, that our Neighbours would have dealt for unneighbourly with me, and have forced me to make fuch Preparations, as they have done, for my Defence, at so vast an Expence; I say, if I could have have forescen in August, that they would have treated me thus, I should not have prevented your coming together then. Iy I have reason to be glad that it hath been deferred thus long: You have had leisure to attend your own Convemiencies in the Country, and the public Service there; and I have been able to let our Neighbours see that I can defend myfelf and my Subjects against their Infolence, upon the Stock of my own Credit and Reputation: And that, when I find it necessary for the Good of my People, I can set out a Fleet to Sea, which will not decline meeting with all their Naval Power, even before the Parliament come together; which I am perfuaded if they had believ'd possible, they would not so importunately have press'd me to it. I will not deny to you, I have done more than I thought I could have done, which I impute to the Credit your Vote gave me, and to the Opinion all Men had, That I did what you wish'd I should do; by borrowing very liberally for my felf out of my own Stores, and by the kind and chearful Affiftance the City of London hath given me, I have a Fleet now at Sea, worthy of the English Nation; and, to say no more, not inferior to any that hath been fer out in any Age; and which (if I may " use all freedom with you) to discharge to-morrow, and to replenish all my Stores would cost me little less than Eight Hundred Thousand Pounds. What hath pass'd between.

between me and the Dutch, and by what Degrees, Ac- Anno 26Car. II. cidents and Provocations, I have been necessitated to the Preparation and Expence I have made, you shall be told when I have done; I shall only tell you, that if I had proceeded more slowly, I should have expos'd my own Honour, and the Honour of the Nation, and should have feem'd not confident of your Affections, and the Affurance you gave me to stand by me on this Occasion. That which I am now very earnestly to defire, and indeed expect from you, is, that you will use all possible Expedition in your Resolutions, lest that by unnecessary Formalities the World should think that I have not your chearful Concurrence in what is done; and that you are not forward enough in the Support of it, which I am fure you will be: And that in raising the Supplies you take such Order, that when the Expence is obvious and certain, the Supply be as real and substantial, not imaginary, as the last Subsidies were, which you will all well enough understand,

'Mr. Speaker, and you Gentlemen of the House of Commons, I know not whether it be worth my pains to endeayour to remove a vile Jealoufy which some ill Men scarter abroad, and which I am fure, will never fink into the Breast of any Man who is worthy to fit upon your Benches; That when you have given me a noble and proportionable Supply for the Support of a War, I may be irduced by some evil Counsellors (for they will be thought to think very respectfully of my own Person) to make a fudden Peace, and get all that Money for my own private Occasions. I am fure you all think it an unworthy Jealouly, and not to deserve an Answer. I would not be thought to have fo brutish an Inclination to love War for War's fake: God knows, I defire no Bleffing in the 'World so much as that I may live to see a firm Peace between all Christian Princes and States. But let me tell you, and you may be confident of it, That when I am compell'd to enter into a War for the Protection, Honour and Benefit of my Subjects; I will, God-willing, not make a Peace, but upon the obtaining and fecuring those Ends for which the War is enter'd into: And when that can be done, no good Man will be forry for the Determination of it. To conclude, my Lords and Gentlemen, I conjure you all, in your feveral Stations, to use all possible Expedition, That our Friends and our Enemies may see, That I am posses'd of your Hearts, and that we move with one Soul, and I am fure you will not deceive my Expectation.

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Anno 16 Car. H. 1664.

This Speech was accompanied with a Narrative, concerning the Treaty and Manner of Proceedings with the Dutch; drawn up by the Lord Chancellor, and fign'd by his Majesty: which, as it seems, put the House in such good humour, that the very next Day they came to these two Resolutions, viz.

The Parliament unanimous for

First, 'That the humble Thanks of both Houses be prefented to his Majesty for his most gracious Speech and Narrative, to his two Houses of Parliament, and his great Care of the Preservation of the Honour and Safety, and Trade of the Nation, by his Preparations for the Defence thereof against the Dutch; and that his Majesty would give leave that his Speech may be printed. The next was, 'That the Thanks of both Houses of Parliament be given to the City of London for their Forwardness in assisting his Majefty; and in particular by furnishing him with several great Sums of Money towards his Preparations for the Ho-

nour, Safety, and Trade of this Nation."

The great Refolve of the Commons for the raising 2,500,000 1.

At the same time the House of Commons let the King know, 'That they could not fufficiently express their Loyalty and Affection to his Majesty, nor the deep Sense which they all had of the Injuries and Violations com-mitted by the Dutch: That they had confidered the Burden of his Majesty's Expences, and the Necessity of his Naval Preparations; and begg'd leave to assure him of their Readiness and Constancy to yield him all the Duties of Affistance and Obedience, with their Lives and Fortunes. Accordingly they resolved, That Five and Twenty Hundred Thousand Pounds Supply shall be raised for his Majesty, in three Years, and applied towards the Maintenance After which, both Houses adjourn'd of the Dutch War.' till the 12th Day of January; when they again met, and the grand Money-Bill being ready for the Royal Affent, his Majesty came to the House of Peers, where Sir Edward Turner, the Commons Speaker, presented him with the Bill, with the following Speech: May it please your most excellent Majesty, The last Session of this present Parliament, the Lords and Commons did humbly present unto your Majesty the many Wrongs and Indignities done to your Majesty, and the many Injuries done to your Merchants by the Subjects of the States-General of the United Provinces; and did most humbly befeech your Majesty, That some effectual Course might be taken for Redress thereof. Your Majesty at the Opening of this Session was gracioufly pleafed to acquaint your two Houses, That in purfuance of their Defires, you had by your Agent required Satisfaction: But that Way prov'd ineffectual, and many fresh Provocations given, whereby your Majesty was neceffitated

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The Speaker's Speech at the paffing the Money-Bill.

ceffitated to a Warlike Preparation; by the speedy Dif- Anno 17 Car. M. patch whereof you had let your Neighbours see, That you could defend your felf and your Subjects against their Infolence upon the Stock of your own Credit, before your Parliament came together. And now, Sir, give me leave to fay; Your Neighbours may fee, how a great King may be made greater by his Parliament. Your loyal Commons, after they had convened, did not fuffer four and twenty Hours to pass, before they most chearfully gave your Majesty more than Four and Twenty Hundred Thousand Pounds.—Great Sir, your Lords and Commons will not only yield Obedience with their Bodies, but with their Purses also: In token whereof, I do, in the Name of all the Commons of England, prefent unto your Majesty this Bill, whereby we have given unto your Majefty a Royal Aid of Four and Twenty Hundred Seventyleven Thousand and Five Hundred Pounds, to be paid in three Years by twelve Quarterly Payments, to begin from the 25th of December last. And we do humbly befeech your Majesty to accept it as a pregnant Demonstration of our most unfeigned Duty and Thankfulness to your Majesty." To which his Majesty, in a short Reply, 'return'd his hearty Thanks, with a generous Assurance, That the Mo-' ney should be expended to the Advantage and Satisfaction of his People.

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After this, several other Bills being got ready for the Royal Affent, and a Prorogation being refolv don, the King came to the House of Peers, where Sir Edward Turner, the Commons Speaker, presented the Bills with the following Speech, which best shews the Nature of them. 'May it The Speaker's please your most excellent Majesty, The Knights, Citizens, Speech at the and Burgesses of the Commons House of Parliament, hav- Prorogation of ing in the Beginning of this Session apply'd themselves to the Parliament. the Aiding of your Majesty in your Naval Preparations, have of late confider'd of fome Bills that may be most grateful to the People, either in redresling things that are grievous to them, or in advancing their Trade and Commerce; which are the Life and Soul of the Nation. Evil Manners produce good Laws; but the best Laws in time may grow obfolete: And fuch is the wicked Nature of Man, that when he cannot by Force break through a Law, he will by Fraud and Tricks endeavour to evade it. I may with great truth affirm, the Com-mon Law of England, is the best Municipal Law in the World; and yet if the Legislative Power were not ready to countermine the Works, and make up the Breaches that are daily made upon it, the Sons of Zerviah would be too firong for us. We have now prefented to

1664-5.

Anno 17 Car.II: your Majesty several Bills for the Regulation of the Law which will serve to prune some exuberant Branches, and so pull away the Ivy that robb'd this Tree of her just Nourishment: And if your Majesty be now pleased gracioully to shine upon her, she will flourish in great a-bundance, to the Content of your Majesty, and all your

People.

Cosmographers do agree, That this Island is incomparably furnished with pleasant Rivers, like Veins in the natural Body, which convey the Blood into all the Parts. whereby the whole is nourish'd and made useful. Therefore we have prepared some Bills for making small Rivers navigable; a thing that in other Countries hath been more experienced, and hath been found very advantageous: It eafeth the People of their great Charge of Land-Carriages, preserves the High-ways, which are daily worn out with Waggons carrying excessive Burthens: It breeds up a Nurlery of Watermen, which upon occasion will prove good Seamen, and with much more facility maintains Intercourse and Communication between Cities and Coun-We have been very much affected with the Cries and Wants of the Poor this hard Season, especially those who are about this Town, who are ready to starve for want of Fewel, the Price of Coals being to unreasonably enhanc'd by the extorting Engrossers. We have therefore, for their present and future Ease, prepared a Bill, authorizing the Lord-Mayor and Court of Aldermen of the City of London, and three Justices of Peace within the County, from time to time to fet the Prices of Coals, having regard to the Price paid by the Importer, and other emergent Charges. And now, great Sir, having finished our present Counsels, we hope your Majesty will give us leave to return for a time into our Countries, where in our feveral Spheres we shall be ready to serve you with our Persons and our Purses, and also with our Prayers to the great God of Hosts, That he will be pleased tostrengthen your Hands in the Day of Battel, and make you victorious over all your Enemies, both at home and abroad.

In paffing these Bills, the King, in a short Speech, gave in special Charge to the Members of the House of Commons,

The King's Speech, on the Prorogation.

Hat upon their Return into their respective Countries, they would as well make it their bufiness to see the Sup-'ply, they had now granted this Seffion, equally laid upon Particulars, that there might be no cause of Complaint; as he himself had made it his Royal Care that there might be no Disproportion upon the Countries themselves, by mak-

ing an Abatement, where any of them appear'd over- Anno 17 Car. II. burden'd. After which, he prorogu'd both Houses till the 21st of June, then to the first of August, and lastly to the oth of October.

In this place, it ought to be observed, that, whereas, before this Selfion of Parliament (excepting during the Civil Wars and the military Government which follow'd it) the Clergy used to tax themselves in Convocation, they were now included, like the rest of their Fellow-Subjects, in every Money-Bill which pass'd the House of Commons; in confideration of which, the parochial Clergy received the Privilege of voting like other Freeholders, in the choice of Members of Parliament.

The Plague raging in London and Westminster, the The fixth Sef-Parliament met Octob. 9, at Oxford, where the University-fion of the fe-Schools were prepar'd for the Reception of both Houses: cond Parlia-Notwithstanding which, the King commanded both Houses ment, at Oxto attend him in the great-Hall at Christ-Church, and open'd ford,

the Session with the following Speech.

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' My Lords and Gentlemen,

Am confident you will believe, that if it had not been The King's absolutely necessary to consult with you, I wou'd not speech to both have called you together at this time, when the Conta- Houses, gion hath fo spread itself over so many parts of the Kingdom. I take it for a good Omen to fee fo good an appearance this Day; and I doubt not but every Day will add to your Number; and I give you all my thanks for

your Compliance fo far with my defires.

'The truth is, as I enter'd upon this War by your Advice and Encouragement, fo I defire that you may as ' frequently as is possible receive information of the Conduct and Effects of it; and that I may have the Continuance of your chearful Supply for the carrying it on. I will not deny to you, that it hath prov'd more chargeable than I ' could imagine it would have been: The addition they 'fill made to their Fleets beyond their first Purpose, made 'it unavoidably necessary for me to make proportionable Preparations, which God hath hitherto bleffed with Success in all Encounters. And as the Enemies have used their utmost endeavours, by Calumnies and false Suggestions, to make themselves Friends, and to persuade others to affift them against Us; so I have not been wanting to encourage those Princes who have been wrong'd by the Dutch, to recover their own by Force: And in order ' thereunto, I have affifted the Bishop of Munster with a ' very great Sum of ready Money, and am to continue a Supply to him, who is now in the Bowels of their Country,

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with a powerful Army. These Issues, I may tell you. have been made with very good Conduct and Husbandry; nor indeed do I know, that any thing hath been spent, that could have been well and fafely faved. I fay this Expence will not fuffer you to wonder that the great Supply which you gave me for this War, in so bountiful a Proportion, is upon the matter already spent. So that I must not only defire Assistance from you to carry on this War, but such an Assistance as may enable me to defend myself and you against a more powerful Neighbour, if he shall prefer the Friendship of the Dutch before mine. I told you when I enter'd upon this War, that I had not fuch a brutal Appetite, as to make War for War's fake. I am still of the same mind: I am ready to receive any Propositions that France hath thought fit to offer to that End; but hitherto nothing hath been offer'd worthy my ' acceptance; nor are the Dutch less insolent; tho' I know no advantage they have had but the continuance of the Contagion. God Almighty, I hope, will shortly deprive them of fuch encouragement: The Chancellor will inform you of all the particulars."

The Substance of the Chan-

Accordingly the Lord Clarendon, running over the whole Process of State-Affairs from the King's Restoration to the present Juncture, observed, ' That notwithstanding cellor's Speech. the Indignities his Majesty had received from Holland, during the late Usurpation, where he had been little less pro-scrib'd than in England, he was still pleas'd to embark himself from thence, when he was press'd by two neighbour Kings, from whom he had receiv'd more Civilities, to have made use of their Ports. That, being return'd, he found one thing that exceedingly furpris'd him, a thing incredible to Posterity, that a triumphant Nation, which, by its numerous Sea-Fights had reign'd over the Ocean, and made itself formidable to all Christendom, should at that time not have in all their Magazines, in all their Stores, Arms enough to put into the hands of five thousand Men, nor Provisions enough to fet out ten new Ships to Sea: All which his Majesty, tho' he then liv'd upon credit, did not desire shou'd be known to his best Neighbours, howsoever assur'd of their Affections; therefore he did not so much as make it known to his Parliament: But he made it his first Care, without the least Noise, and with all imaginable shifts, to provide for the full Supply of these important Magazines and Stores, which had been ever fince replenish'd as they ought. His Majesty had not only done this, but also had provided several Fleets against the Pyrates in the Mediterranean Sea, which had happily and honourably brought them to Sub-Then he related the Dutch's deserting of him in mission.

those worthy Designs, and repeated the several Injuries and Anno 17 Car, II. Infolencies committed by them; the necessity of vindicating 1665the Rights and Honour of the Nation; the King's referring of this Cause to the Parliament, the Parliament's humble Desires of Redress; the States Preparations for War, in the whole Series and Success of the War, in which he represented the great Agony the King sustain'd upon the account of his Brother's Safety. Then speaking of the Mediation of the French, he says, 'The Dutch reproach them for interpoling for Peace, instead of affishing them in the War, boldly infifting upon the advantage the Contagion gives them, alledging, that the King will be no longer able to maintain a Fleet against them; as if God had sent this heavy Visitation upon the Kingdom on their behalf, and to expose it to their Malice and Insolency. They load us with such Reproaches, as the civility of no other Language will admit the Relation. The truth is, they have a Dialect of Rudeness so peculiar to their Language, and their People. that it is high time for all Princes to oblige them to some Reformation, if they intend to hold Correspondence and Commerce with them."

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Having rous'd them with respect to foreign Enemies, he proceeded to take notice of their domestic Foes, ' Those unquiet, reftless Spirits in their own Bowels, in whose Fidelity their Enemies abroad had more Dependance than upon their own Fleets. I must appeal, added he, to every one of your Observations, whether the Countenances of these Men have not appeared to you more erected, and more infolent in all places, fince the beginning of this War, than they were before. In what readiness they were, if any Misfortune had befallen the King's Fleet, which they promiled themselves, to have brought the Calamity into your Fields, and into your Houses, is notoriously known. horrid Murderers of our late Royal Mafter have been received into the most secret Counsels in Holland; and other infamous proftituted Persons of our Nation are admitted to thare in the Conduct of their Affairs, and maintain their Correspondence here upon liberal Allowances and Pensions. Too many of his Majesty's Subjects, who were sent by this Crown to affift and defend this ungrateful State against their Enemies, have been miserably wrought upon, for the keeping a vile, mean Subfiftence, rather than their Livelihood, to renounce their Allegiance and become Enemies to their native Country; some of whom have wantonly put themselves on board the Enemy's Fleet, without Command or Office, purely out of appetite and delight to rebel against their King, and to worry their Country. Their Friends at home, impatient of further delays for the Success they had promiled

Anno 19Cir.II. promised themselves, and for the Succours which others had promis'd to them, made no doubt of doing the Business themselves, if they could but appoint a lucky day to begin the work. And you had heard of them in all places upon the third of last Mouth, their so much celebrated third of September, if the great Vigilance and indefatigable Induftry of the good General, had not two days before apprehended the feditious Leaders, and given Advertisements for the Security of others in most Parts of the Kingdom; by the Confessions of many of whom, their wicked Design is enough manifested, and ready for Justice: Yet some of the principal Persons are not yet taken, and some others got themselves rescued after they were apprehended. If you carefully provide for the suppressing your Enemies at home, which will put you to little other Expence than of Courage, Conflancy and Circumspection, you will find your Enemies abroad less exalted, and in a short time more inclined to live in Amity with you, than to make War upon you; especially when they see you do In Bello Pacis gerere Negotium, and that you take the carrying on the War to heart, as the best and only Expedient to produce a happy and honest Peace.

The Unanimity of both Houses.

1,250,000 Pounds voted.

Upon this, and the King's Speech, the House of Commons with great Unanimity came to these two present Resolutions: 'First, That the humble and hearry Thanks of this House be return'd to his Majesty for his Care and Conduct in the Preservation of his People, and the Ho4 nour of this Nation: And that this House will affift his Majesty with their Lives and Fortunes against the Dutch, or any other that shall atlist them in Opposition to his Majesty. Secondly, That the humble Thanks of this House be return'd to his Majesty for the Care he hath had of the Person of his Royal Highness, the Duke of York." both which Votes the Lords gave their chearful Concurrence; and so both Houses went in a full Body to attend his Majesty upon this Occasion. The Commons, to make good their Promise, voted a new Supply of twelve hundred and fifty thousand Pounds, to be rais'd by a proportionable Addition to the Monthly Affessment to begin at Christmas next; all which they foon turn'd into a Bill. After which they brought in another Bill for a Month's further Affestment of a hundred and twenty thousand Pounds, to commence from the Expiration of the former Affessment, to be granted to his Majesty, with a desire to his Majesty to dispose of it to his Royal Highness the Duke of York.

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These, and several other Bills being finish'd, on the last day of the Seffion, the Commons refolved, That the Thanks of the House be given to the Chancellor, Masters, and Scho-

The Commons Thanks to de University.

Scholars of the famous University of Oxford, for their emi- Anno 17 Car. II, nent Loyalty to his Majesty, and his Father of ever-blessed Memory, during the late Rebellion; especially for their unparallel'd Zeal and Courage in refuling to submit to be visited by the usurped Powers, and to subscribe the Solemn League and Covenant, and for those excellent Reasons they publish'd to the World to justify their Refusal, and to affert his Majesty's righteous Cause. These Thanks were, in a very solemn Manner, presented to the University in full Convocation by four of the House of Commons, * Mr. Laurence Hyde, and Sir Heneage Finch, Members for the University, and † Sir John Berkenhead, and ‡ Colonel Giles Strangewich; and all four were either now, or a little before, honour'd by the University with the Titles of Doctors

of the Civil Law.

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The same day that this Vote was made, October the 31st, the King came to the House of Peers in order to pass the several Bills, and to make a Prorogation: At which Time, the Commons being sent for, their Speaker, Sir Edward Turner, in presenting the Bills, deliver d himself thus: 'May it please your most Excellent Majesty, The Speaker's The Knights, Citizens, and Burgesses of the Commons Speech to the House of Parliament, in Obedience to your Majesty's Writ King at the Prorogation. of Adjournment, came chearfully to this City of Oxford to receive your royal Commands. And when your Majesty was pleas'd to acquaint them with your great Expences this Summer, and the continuing Infolencies of the Dutch. they were so inflamed with an Affection and Zeal for your Majefty's Service, that they could not fuffer the least Juncto of Time to pass before they had made a Return suitable to their Engagements, That they would affift your Majesty with their Lives and Fortunes against the Dutch, or any other that should affift them in opposition to your Majesty. The English Man useth to speak as he writes, and the English Parliament to speak as they think: No Security upon the Earth can be greater than the Engagement of your two Houses of Parliament; Sed quid Verba audiam, dum Facta videam! As a Demonstration of their Fidelity, I am commanded to present unto your Majesty this Bill, whereby they have given your Majetty twelve hundred and fifty thousand Pounds, to be levy'd in two Years, beginning from Christmas next, by quarterly Payments added to the former royal Aid: And that your Majesty's Occasions may be supply'd with ready Money, before the additional Aid can be rais'd, we have by the Bill prepared an undoubted Security for all fuch Persons as shall bring their Moneys into the public Bank TOME I.

Mafter of the Robes. + Vid. Appendir. 1 One of the Masters of the Request, and Faculty-Office.



With Speaker's Speech to the King at the Vicegalion. Bank of the Exchequer. As the Rivers do naturally empty themselves into the Sea, so we hope the Veins of Gold and Silver in this Nation will plentifully run into this Ocean, for the Maintenance of your Majesty's just Sovereigney on the Seas.

Great Sir, When first we belought your Majesty to correct the Infolencies, and to repair your Subjects against the Rapines of the Dutch, we did reasonably suppose, That the Justice of your Majesty's Demands would at least have had a fair and logenuous Reception; but the Dutch re-Jolv'd with Machiavel, to keep by Force what they had got by Fraud, and to return their Answer by the thundering Noise of their Cannon: The great God of Hofts, to whom Vengeance belongeth, hath eminently appeared in your Majefty's Quarrel, and sharply rebuk'd the Insolence of that proud People. It is true, our Sins do cry aloud, as well as theirs; but God is pleased in Mercy to correct us himself. while by our hands he punishes them, and makes them fly before us: I hope his Mercy will invite us to a national Repentance, and if he be with us, who can be against us? We can but take notice of the fordid Defection of some English Fugitives, who have traitorously join d with the Dutch, both in their Counsels and Actions, against your Majesty, and this their harive Country: We therefore have prepared a Bill, whereby they are emoin'd to return by a Day, and answer to the Law, or else they shall be attained of High Treason. It hash been an old Observation, That scandalous Livings make scandalous Ministers; and this most frequently falls out in Cities and Corporate-Towns, where are little or no predial Tythes, and there-fore for mere Want they are forced to chant such Tunes as may please the rich Men in their Parishes: For pre-vention of this for the future, there is a Bill prepared for the Uniting of small Churches and Chapels in Cities and Towns Corporate, by the Confent of the Patron, referring other Parochial Rights diffinct as they were before. being a Time wherein your Majesty needs great Supply, we held it our Duty to ease the People in some utinecessary Expences; and therefore we have prepared a Bill for the more effectual Proceeding upon Distresses and Avowres for Rent; another to avoid Circuity of Actions; a Third to lessen the Charge of necessary Suits in Law; and a to lessen the Charge of necessary Suits in Law, and a Fourth to take away an ancient and burdensome Fee in the Courts of Judicature, call d Damage Cleer, or Dames Clericorum. Clericorum.

Tacitus has a Saying, Such as are false in their Love, are true in their Hatred; and this we find verify d'in our Nonconformists: While they were in the Boson of the Church

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Church of England, they were like inward Vapours, and Anno recently inward Bleedings, always opprelling and strangling the Body of the Church; and now they are rejected and ex-cluded from the Ministerial Function, they have more Malice, and no less Opportunity to propagate their Principles than they had before. Some of them are Objects of Pity; they submitted their Reason to their Leaders of a higher Class, who failed them in their Hopes, and left them to the Rigour of the Law. Those poor Creatures have seen their Errors, and felt the Smart, and would live peaceably; but their Jefuitical Leaders keep up their Spirits, and herd with them in Cities and Corporate Towns, where, by the Pretence of Perfecution and Self-denial, they move the Pity of good-natur'd People, who with their Charity keep up the Party, lessen the Maintenance of Conforming Ministers, and spread their Contagion amongst the Youth of the Nation. For the Prevention of this growing Mischief, we have prepared a Shiboleth, a Test, to diftinguish amongst them who will be peaceable, and give hopes of a future Conformity, and who, of Malice and evil Disposition, remain obdurate: The one, we shall keep amongst us with all Love and Charity; the other we shall exclude from Cities and Corporation-Towns, like

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those that have an infectious Disease upon them.

'It is not unufual for the Commons, at the Close of a Selfion of Parliament, by their Speaker to present a Petition to their Sovereign; and, with your Majesty's Leave I am now commanded that Service: We do, with all humble Thankfulness, acknowledge to God our great Happinels, That we are govern'd by a Prince, whose Prudence in Council, whose Valour in Action, and whose Fatherly Care in Protection of his People is eminent in all the World; and it is not the least Mercy, both to your Majesty and your People, That God has bless d you with a Brother so like yourself. The Name of his Royal Highness is already enroll'd amongst the Heroes of other Nations; but his native Country had not so great Experience of him, till your Majesty was pleas'd, in this Summer's Expedition, to trust him with the Conduct of the most royal Fleet that ever fail'd upon the British Seas; wherein he shew'd that Prowess and that Prudence, and, by the Bleffing of Almighty God, was crown'd with that Success against the Dutch, that we cannot pass it by in and yet we are at a loss how to express our Thanks both to your Majesty and him. I am commanded therefore to befeech your Majesty, That you will vouch-fafe to let us make a Present to you of a Month's Tax, to come in the Rear after the twenty four Months of your

me 17 Car. II. Majesty's royal Aid; and that your Majesty will be pleased to bestow it upon his Royal Highness. And now, Great Sir, I have no more, but to befeech Almighty God, who hath so miraculously preserv'd your royal Person, and your two Houses of Parliament, from all Sickness and Contagion during this Session, that he will be pleased to send Health throughout all the Nation; that he will crown all your Designs against your Enemies with Victory and Success, and give your Majesty a long and happy Reign over us."

The Seventh Seffion of the fecond Parliament.

September 21, the Parliament, after feveral Prorogations. and a long Recess of ten Months and three Weeks, met again at Westminster, where his Majesty from the Throne thus declared himself to both Houses:

The King's Speech to both Houses.

My Lords and Gentlemen,

Am very glad to meet fo many of you together again, and God be thanked for our meeting together in this Place; little time hath pass'd fince we were almost in defpair of having this place left to meet in. You fee the dismal Ruins the Fire hath made; and nothing but a Miracle of God's Mercy could have preferved what is · left from the same Destruction.

I need make no Excuse for dispensing with your Attendance in April; I am conscious you all thank'd me for it: The truth is, I defire to put you to as little trouble as I can; and I can tell you truly, I defire to put you to as little Cost as I can possibly. I wish with all my hear that I cou'd bear the whole Charge of this War myfelf, and that my Subjects shou'd reap the Benefit of it to themfelves. But you have two very great and powerful Enemies, who use all the means they can, fair and foul, to make all the World concur with them; and the War is more chargeable by that Conjunction, than any body thought it wou'd have been. I need not tell you the Success of this Summer, in which God hath given us great Success; and no question but the Enemy hath undergone great Losses; and if it had pleased God to have with-held his last Judgment by Fire, we had been in no ill Condition You have given me very large Supplies for carrying on the War: And I must tell you, if I had not, by anticipating my Revenue, rais'd a very great Sum of Money,
I had not been able to have fet out the Fleet this lat Spring; and I have some Hope upon the same Credit to be able to pay off the great Ships as they come in. You will consider what is to be done next, when you are well ' inform'd of the Expence; and I must leave it to your "Wisdoms to find out the best Expedients for the carrying on this War with as little Burden to the People as a pollible

soffible I shall add no more, but, that our Enemies Anno 18 Car. IL are very infolent; and if they were able this last Year

to perfuade this miserable People, whom they so mis-led, That the Contagion had so wasted the Nation, and impo-

verified us, that we could not be able to let out any Fleer,

how will they be exalted with this last Impoverishment of this City, and contemn all reasonable Conditions of

· Peace? And therefore I cannot doubt but you will pro-

vide accordingly.

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Immediately upon this Speech the Commons unanimously The Commons resolved, 'That the humble and hearty Thanks of this House Resolves. be returned to his Majesty for his great Care in the management of the present War, and that this House will fupply his Majesty proportionably to his present Occasions; and that the Lords Concurrence be defired to this Vote. Soon after which, to make good their Promife, they voted a royal Aid of one Million and eight hundred thousand Pounds for carrying on the present War. And on the 25th of September, in the Afternoon, both Houses of Parliament, being agreed, attended his Majesty in a Body at the Banquetting-House in Whitehall, 'To manifest their hearty Concurrence in the Vote for supplying his Majesty with whatfoever was necessary for the carrying on of the War. On the 1st of October following, the Commons resolved and voted, 'That the Thanks of this House be given

to his Majesty for his great Care and Endeavour to prevent the burning of the City of London."

Soon after the House began to be employ'd in enquiring into some Miscarriages and Misdemeanors, and design'd particularly to impeach the Lord Viscount Mordant, Constable of the Castle of Windsor. Which Proceedings were thought too dilatory, and not so agreeable with the Exigencies of the Court. Therefore the King, on the 15th of December, sent a particular Message in Writing by Mr. Secretary Morrice to the Speaker, in these Words: 'His Majelty is forry that the difficulty his House of Commons The King's hath met with, hath detain'd them fo long without perfect- Message to the ing his Supply. His Majesty cou'd wish, that the posture of his Affairs would permit the giving of his two Houses a short Recess at Christmas: But the Season of the Year being consider'd, and how much the necessary Preparations against the Spring depend upon the Dispatch of the Supply, he affures himself is preparing for him, he cannot think it confiftent with his Service, and the public Safety, to permit any Adjournment, except for the Chief Festival Days, until that, and the other most Public Bills, be dispatch'd, which he defires may be haftned; and which his Majesty should

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After a short Recess in Christmas, the Parliament met

or Car. H. be glad, if pollible might be finish'd by Chrismas, as well for their Eale, as for his own Service. Notwithstanding this, the Commons, tho highly respectful to his Majesty, proceeded their own way, and took their proper time for

finishing the Supply.

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peachment against the Lord Mordant.

again on the second of January; and the House of Commons proceeded to Business with Vigour; but still resolv'd upon the Impeachment of the Lord Mordant, and accordingly drew up Articles of High Crimes and Misdemeanors with Articles of Im-Acculation was as follows: 1. That the faid Lord Mordant, being Constable of the Castle of Windsor, and Commander of the Garrison there, understanding that one William Taleur Efg; a loyal Person in Office in the said Castle, and posses'd of certain Lodgings there appertaining to his Offices, did intend to stand for one of the Burgesses of Windsor to serve in this present Parliament that met in 1661; some Weeks before the Election, to disparage and prevent the faid William Taleur, and to strike a Terror into those of the Borough, by colour of a Warrant from his Majesty, on the 17th of March, did by Soldiers forcibly eject the faid William Taleur, together with his big-belly'd Wife, Family and Goods out of the faid Lodgings and Caffle; the rude Carriage of which Soldiers frighted a young Child out of its Wits, whereof it died foon after. 2. On the 23d of the faid Month, the faid Lord Mordant did command William Taleur to be foscibly feiz'd upon by his Soldiers in the Prison of the Borough, out of the Precincts of the Caffle, where he was a Prisoner for Debt, carry'd him out of the Prison to the Castle, without any Warrant, and detain'd him Prisoner eleven Hours in a cold, low Room, notwithstanding the Offer of two Thousand Pound Bail. 3. That the faid Lord Mordant, during the Time of Mr. Taleur's Imprisonment, being told that he was the King's Servant, and had the great Seal for his Place as well as he, in high Contempt of the King's Authority, reply'd, He wou'd dispose of his Places, and break the great Seal, and justify it when he had done. 4. That the faid Lord Mordant, in March 1664, by Letters and otherwise made fundry uncivil Addresses to a Daughter of Mr. Taleur's; which she rejecting, and threatning to acquaint his Lady with them, he fwore a most dreadful Oath and Imprecation, he would profecute Her and her Family to all Eternity. 5. That on the 23d of November 1665, Mr. Taleur was by the Lord Mordant's Command forcibly disposses'd of certain Rooms in the Timber Yard belonging to the Castle, without the Walls, belonging to his Office of Paymaster and Surveyor

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of the Caffle. 6. That a Warrant furreprintoully ob- Anno tacaran tain'd from his Majesty, dated November 30th, 1665, but not produced till forme Months after, for reftraining Mr. Taleur from going out of the Caftle, was directed to the laid Lord Mordant; who, without mentioning the King's Warrant, caus'd him again forcibly to be apprehended in the Borough of Windfor, and carry'd to the Caftle, where he was detain'd Prifoner twenty Weeks, five of which in close Durance, contrary to the King's War-rant, which only restrain d him to the Castle. 7. That, during this Imprisonment, the faid Lord refused to obey a Habeas Corpus brought by Mr. Taleur; and when he was ferv'd with another, he gave the Messenger reproachful Language, calling him Rogue for delivering the said Writ, and laying, That was all the Answer he would give to it. 8. That Mr. Taleur, when he was enlarged by an Order from the King's Bench, fearing he should be again-lilegally imprison d, did thereupon make application to his Lordflip by Friends for a Reconciliation; who answer'd, He would never be reconcil'd to him, and threaten'd to imprison him again; and if he brought another Habeas Corpus, he would imprison him again and again, and keep him Prisoner as long as he liv'd, and likewise turn him out of all his Offices. By reason of which Menaces, Mr. Taleur was forc'd to defert his Wife, Family and Employ-ments at Windfor, and to absent himself till this present Sellion of Parliament. For all which high Grimes and Mildemeanors, the Commons of England demanded Justice, condign Punishment, &c.

Soon after this Impeachment, a Difference enfued between the Lords and Commons, concerning a Poll-Bill, and the taking the public Accounts; the first of whom were for doing it by Commission from the King, and not by Bill, The confequence of as was propoled by the Commons. which was, that the House in some hear resolved, That The Lords and this Proceeding of the Lords in going by Petition to the Common di-King for a Commillion for taking the public Accounts, agree, while there was a Bill fent up by this House, and depend-ing before them, for taking the Accounts another way, is unparliamentary, and of dangerous consequence. Within two or three Days they likewise declared, 'That, according to the right and fettled Course of Parliament upon Bills, neither a Bill, nor any Part thereof is to be communicated to his Majesty by either House, until the whole be agreed unto by both Houses. As to the Poll-Bill, the Lords in a free Conference infilted, among other things, upon adding some Names to the Commissioners. To which the Commons disagreed; but without the least

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and 13 Car. II. afferting their peculiar Rights as to Money-Bills: only gave this modest Reason for their Non-compliance, 'That it hath been observ'd, that in all Acts of Subsidio and of Poll-Money, the greater the Number of Commisfioners, the less Money hath been rais'd; for many Commissioners incumber one another, and rather procure the Ease of themselves, and their many Friends, than the Advance of the King's Service, and the public Benefit.

The King paffee a Speech.

During these Divisions between the Houses, the King, some Bills, with understanding the Poll-Bill, and some others, to have got through both, on the 18th of January came to the House of Peers, and pass'd that and the rest, with the following gracious Speech:

> ' My Lords and Gentlemen, Have now pass'd your Bills, and was in hopes to have had other Bills to pass too: I cannot forget that, within a few days after your coming together in September, both Houses presented me with their Vote and Declaration, That they would give me a Supply proportionable to my Occasions. And the Confidence of this made me anticipate that small Part of my Revenue, which was unanticipated, for the Payment of the Seamen; and my Credit hath gone further than I had reason to think it would, but it is now at an end. This is the first day I have heard of any Supply, being the 18th of January; and what this will amount to, God knows; and what time I have to make fuch Preparations as are necessary to meet three such Enemies as I have, you can well enough judge. And I must tell you what Discourses are abroad; I am not in any Treaty; but by the Grace of God I will not give over my felf and you, but will do what is in my power for the Defence of my felf and you. It is high time for you to make good your Promise, and it is high time for you to be in the Country, as well for raising of Money, as that the Lord-Lieutenants and Deputy-Lieutenants may watch the feditious Spirits which are at work to disturb the public Peace: And therefore I am resolved to put an end to this Session on Monday next come Seven-night; before which time I pray let all things be made ready that I am to dispatch. I am not willing to complain that you have dealt unkindly with me in a Bill I have now pais'd, in which you have manifelted a greater Distrust of me than I have deserv'd. I do not pretend to be without Infirmities, but I have never broken my word with you; and, if I do not flatter my felf, " the Nation had never less cause to complain of Grievances, or the least Injustice or Oppression, than it

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I hath had in these seven Years it hath pleas'd God Anno rocar. I. to reflore me to you: I would be glad to be used ac-1666-7. cordingly. on ball

Notwithstanding this intimidating Speech, the Commons proceeded with the Affairs before them; especially the Impeachment of Lord Mordant, which had likewife given

his Majesty some offence.

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Serjeant Maynard, Sir Robert Atkins, and Mr. William Prynne, &c. were appointed to manage the Evidence at the Hearing: And on the 25th of January, read the Articles before the House of Lords; but with Distatisfaction obferv'd, that, during the reading of them, the Lord Mordant was within the Bar of the House. Of this the Commons complain'd, and mov'd, 'That, according to former Further Disputes Precedents in fuch Proceedings, his Lordship might stand between the And when one ap_ Lords and Comwithout the Bar of the House." peared as Council for him, beginning to plead in this Mat-mone, ter, they thought fit to interrupt him, acquainting the Peers, That his Lordship ought not to have any Council affign'd him to plead for him in matter of fact upon the Impeachment.' This caus'd a Conference, and indeed a Difference between the two Houses: The Lords insisted upon their Rights and Privileges, and on the 4th of February confirm'd their Order for the Lord Mordant's fitting within the Bar at his Trial, produc'd two Precedents for it, and declared themselves ready for the Trial the next Morning. The Commons upon this were still more diffatisfy'd, and defir'd a free Conference; in which matters were carry'd fo high, that the Lords declared, 'That they defired this Conference to preferve a right Understanding between both Houses; but insisted upon it, that they might deny a free Conference with the Commons, citing a Precedent, 12th Jacobi, where a free Conference was deny'd the Commons in point of one Impolition; and that in point of Judicature (which the Lords infifted on to be only. in the King and themselves) they might deny the Commons a free Conference.

But all these Disputes were ended on the Eighth of February, by the Appearance of the King in the House of Peers, who fent for the Commons in order to a Prorogation. Their Speaker Sir Edward Turner, having feveral Bills ready, presented them with this following Speech to his Majesty, which is the last we find that he made upon the like occasion: 'May it please your most excellent Ma- The Speaker's jesty, Nothing conduceth more to the Happiness of a Na- Speech to the tion, than a right Understanding between the Prince and King at the the People: And nothing more advance: h this Correspon- Prorogation.]

TOME I. dence,

Anno 19 Car. II. dence, than frequent Meetings in Common Council. By the Liberties, and our Properties, is lodg'd in our English Parliaments; and so gracious have your Majesty's Predecessors been, That, for the Satisfaction of their People, they have made several Laws, some for Triennial, some for Annual Parliaments. Your Majesty by their Example, upon the humble Suit of your Lords and Commons, hath in a former Sellion of this Parliament pass'd an Act for Trienhial Meetings in Parliament: But in this your Majesty hath exceeded all your Predecestors, That as your happy Restoration was in a Convention of Parliament, so of your own accord, for the Public Good, and as a Demonstration of your extraordinary Love to Parliaments, you have vouchsafed ever fince your Return to converse with your People in Parliament; this being the fixth Year and fixth Seffion [seventh Meeting] of this present Parliament The last time your Majesty was pleased to speak to us, you commanded us to make ready all things that you were to dispatch this Session: In obedience thereunto, we have with all Industry imaginable endeavour'd so to prepare those Matters that were before us, that your Majefty and the whole Nation may receive fatisfaction in our Dispatches. First it concern'd us to keep our words with your Majesty, in finishing that Supply, which we promised you for the carrying on the War. In order whereunto, I do here present unto your Majesty this Bill of Eleven Months Affessments upon our Lands, to take place in a Post-Charge after the Additional Royal Aid now current is expired. This Act, together with the Poll-Bill lately paffed, we conceive will fully make good the Million Eight Hundred Thousand Pounds we promised to your Majesty.

We must for ever with Humility acknowledge the Juffice of God in punishing this whole Nation by the late dreadful Conflagration of London: We know they were not the greatest Sinners on whom the Tower of Siloam fell; and doubtless all our Sins did contribute to the filling up that Measure, which being full, drew down the Wrath of God upon that City: But it very much reviveth us to behold the miraculous Bleffing of God upon your Majesty's Endeavours for the Preservation of that Part of the City which is left: Et fas est resurgere Mania Troja! We hope God will direct your Royal Heart, and fortunate Island in a few days to lay a Foundation-stone in the Re-building that Royal City; the Beauty and Praise whereof shall fill the whole Earth. For the Encouragement of this noble Work we have prepared several Bills:

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One, for establishing a Judicatory for the speedy de- Anno 19 Car. III termining all Actions and Causes of Action, that have or may arise between Landlords and Tenants upon this fad Accident. Though I perfuade myfelf no Englishman would be exempted from making some Offering to carry on this pious Undertaking; yet the exemplary Charity of your twelve reverend Judges is fit with honour to be mention'd before your Majesty: They are willing to spend all their Sand that doth not run out in your Majesty's immediate Service of dispensing Justice in their several Courts to your People, in Hearing and Determining those Controversies that may artie upon old Agreements, and making new Rules between Owners and Tenants, for their mutual Encouragement in this glorious Action. We have likewife prepared a Bill for the regularity of the new Buildings, that they may be raised with more Conveniency, Beauty, and Security, than they had before: Some Streets we have order'd to be open'd and enlarg'd, and many Obstructions to be remov'd; but all with your Majesty's Approbation. This we conceive cannot be done with Justice, unless a Compensation be given to those that shall be Losers; we have therefore haid an Impolition of twelve Pence upon every Chaldron, and twelve Pence upon every Tun of Coals that shall be brought into the Port of London for ten Years, the better to enable the Lord-Mayor and Aldermen to recompense those Persons whose Grounds shall be taken from them.

Rome was not built in a day: Nor can we, in the Close of this Session, finish the Rules for the dividing of Parishes, rebuilding of the Churches, and the ornamental Parts of the City that we intended; these things must rest till another Session: But we know your Majesty in the mean time will take them into your Princely Confideration, and make it your Care, That the Houses of God, and your Royal Chamber, be decently and conveniently reflored. now, Great Sir, having thus happily finish'd the Business of this Session, we beg your Majesty's Leave that we may teturn to our own Houses, there to put in execution the good Laws which you have made, and to defend our feveral Countries against all Designs to disturb the Peace of the Nation. And we befeech Almighty God, who hath autherto wonderfully preserv'd your Majesty's Person, and made you glorious in all your Atchievements, still to prosper your Forces both at Sea and Land, till he hath made your Majesty an Asylum for all your Friends, and a Terror to your Enemies both at home and abroad.

Upon passing the Bills mention'd in this Speech, and some few others of less moment, his Majesty made the following Speech:

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Anno 19 Car. II.

The King's Speech to the Houses at the fame time. My Lords and Gentlemen,

Thank you for this other Bill of Supply which you have given me, and I affure you the Money shall be · laid out for the Ends it is given: I hope we shall live to have Bills of this nature in the old Stile, with fewer Provisoes. I look'd to have somewhat offer'd to me concerning the Accounts of the Money that hath been already rais'd fince the War: Which, fince you have not done, I will take care (after so much Noise) that the fame be not stifled, but will issue out my Commission in the Manner I formerly promis'd the House of Peers; and the Commissioners shall have very much to answer, if they do not discover all Matters of Fraud and Cozenage. The Season of the Year is very far spent, in which our ' Enemies have got great Advantages over us; but, by the Grace of God, I will make all the Preparations I can, and as fast as I can: And yet I must tell you, That, if any good Overtures be made for an honourable Peace, I will not reject them; and I believe all sober Men will be glad to fee it brought to pass.

I shall now prorogue you till towards Winter, that you may, in your feveral Places, attend the Peace and Security of your feveral Countries, where there are unquiet Spirits enough working: And I do pray you, and I do expect it from you, That you will use your utmost Endeavours to remove all those false Imaginations in the Hearts of the People (which the Malice of ill Men hath industriously infus'd into them) of I know not what Jealousies and Grievances. For I must tell you again, and I am fure I am in the right) That the People had (never fo little Cause to complain of Oppression and Grievances, as they have had fince my Return to you. If the Taxes and Impositions are heavy upon them, you will put them in mind, 'That a War with fuch powerful Enemies cannot be maintain'd without Taxes: And I am fure the Moneys rais'd thereby come not into my Purse. I shall add no more; but I promise myself all good Effects from your Affections and Wisdoms where-ever you are; and I hope we shall meet again of one Mind, for my Honour, and the Good of the Kingdom. And now, my Lord Privy-Seal, do as I have directed you. cordingly the Lord Roberts declar'd the King's Pleasure for proroguing the Parliament to the 10th Day of October; which put an end to the Seventh Session, or rather Meet-

An intermediate Seffion. In obedience to the King's Proclamation, but contrary to usual Custom, the Parliament met on the 25th of July, making

ing, of the Second and Long Parliament, after a Continu-

ance of four Months and about two Weeks.

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and (aft Ad making a fort of an intermediate Sellion, and of a very thort Anne recar. IL. The Commons immediately enter'd upon Continuance. the Debate of the new-rais'd Army, which they resolv'd to break as foon as might be, and spoke so clearly and freely in that matter, that the Court resolv'd to give them some little Interruption, either to mollify the warmest Opposers, or to make way for new Measures. For this end a Message was sent from the Chancellor to the Speaker of the Commons, to let them know, That his Majesty, conceiving the House might not be full at their first Meeting, he had deferr'd his coming to acquaint them with what he had to vay, till Monday the 29th of this Month; and that the House should be adjourn'd till that Day.' But before the Message came to them, they had pass'd a Resolution, 'That his Majetty should be humbly defired, that, as soon as the Peace was concluded, the new-rais'd Forces might be difbanded.' Upon the appointed Day, his Majesty came to the House of Peers with the usual Ceremonies, where he made a fhort Speech to the two Houses, ' excusing the 'Trouble of extraordinary Attendance, and telling them the Occasions of their Meeting were now less urgent; and therefore he could again difmiss them to the day formerly ' prefix'd, and should take an Oportunity, in the mean while, to do fome things, which he hoped would not be unwelcome

to them: And accordingly he prorogu'd them to the 10th A Prorogation.

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On the 10th day of October, after a double Prorogation, The Eighth the Parliament met at Westminster, having in effect had a Session of the Recess of about nine Months, but from the last short inter- fecond Parliamediate Meeting not above ten Weeks. When his Ma-ment. jesty made this short Speech to both Houses:

When we last met here, about eleven Weeks ago, I The King's thought fit to prorogue the Parliament to this Sacrahing's thought fit to prorogue the Parliament to this Speech to both very Day, resolving that there should be a Session now, Houses. and to give myself time to do some things I have since done, which I hope will not be unwelcome to you, but a Foundation for a greater Confidence between us for the future. The other Reasons for that Prorogation, and fome other Matters with which I would acquaint you, I have commanded my Lord-Keeper to declare unto you.

Hereupon the new Lord-Keeper Bridgeman made the The Lord-following Speech: 'My Lords, and you Knights, Citizens, Keeper Bridgeand Burgesses of the House of Commons; This Parliament, man's Speech. (after many good and wholesome Laws made with your Advice in several Sessions, many great Supplies and Aids

AmorgCar.H. given to his Majefty, and for the Maintenance of the Wars, and many other fignal Testimonies of your Affection and Duty to him, for which his Majesty again and again renews unto you his most hearty Thanks) was, as you very well know, prorogu'd from February last, till this tenth of October; his Majesty having then reason to believe, that there could be no Cause of your re-assembling in the mean time. But in this Interval, the Dutch (who fince the War began, were strengthen'd by the Union of France and Denmark, having a great Fleet) actually invaded the Land; and the French at the fame time had a royal Army in the Field, not far from the Sea-Coast; the Conjunction of which with the others, in some Design against England, or fome other of his Majesty's Dominions, we had then cause to suspect. In this streight, his Majesty (who in leffer Difficulties had frequent recourse unto his Parliament, as his great and faithful Council, and therefore hath every Year once, often twice, re-affembled you) thought it necessary to anticipate the Time, and issu'd out Proclamations for your Meeting on the 25th day of July last. This, the unufual, was done by the Advice of his Privy-Council; public Necessity and Exigencies allowing, or at least dispensing with many things, which, except in fisch Cases, were not to be allow'd or dispen-sed withal. Before the 25th day of July, there was a Prospect and daily Expectation, and within three days following, an Affurance of a Peace concluded with, and ratify'd by our three potent Adversaries. The Storm which threatned us being thus blown over, and fucceeded by so great a Screnity, it was rais'd as a Doubt by grave and wife Men, Whether or no, the Necessities and Difficulties which caus'd to early a Summons being remov'd, you could fit or act as a Parliament before the 10th of October; being the fix'd Time to which you were formerly prorogu'd. For this Cause, together with those others mention'd by his Majesty, he in his princely Wifdom held it necessary, in a matter of so great Consequence, again to fix upon this Day for your Meeting in Parliament, about which there can be no Dispute; which being thus twice prefix'd, and you meeting here upon a double Call, his Majesty hopes it is a happy Omen, That this Selfion of Parliament (which in Law is but this one Day, all Acts of this Session referring to it, unless otherwife specially provided) will be happy and prosperous to his Majesty, to You, and to the whole Kingdom.

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' My Lords and Gentlemen, His Majesty supposes, that no Man wou'd expect, that during your Recess he should have refused Overtures of Peace: The Vicinity as well

as Potency of his united Enemies, the great Expences of the Anno 19 Car. M. War, carry'd on with much Disadvantage, by reason of the Plague and dismal Fire in London, the Confideration of the Posture of Affairs abroad, besides many other Motives obvious unto you, induc'd him to embrace the Opportunity of concluding a Peace. But you well know, that the the War he at an end, all the Effects thereof are not yet ended. It will require Time and your good Advice, to remove those Obstructions which hinder the Current of Trade both at home and abroad. And in this Particular, his Majesty thinks he to recommend it to your Wisdom, to settle such a Balance of Trade between his Subjects of this Kingdom and those of Scotland, as that we may not be prejudic'd by the Import of their Commodicies hither; nor yet they be for discourag'd, as to leave off trading here, and find out other Vent abroad more dangerous to us. This he finds too hard for him without your Affaftance, the upon your recommending it to him, he has used some Endeavours therein. His Majesty formerly promised, that you should have an Account of the Moneys given towards the War, which his Majesty has commanded his Officers to make ready: And fince that way of Commission, wherein he had put the Examination of them, hath been ineffectual, he is willing you shou'd follow your own Method, examine them in what way, and as strictly as you please; he doth assure you, He will leave every one concern'd to fland or fall, according to his own Innocence or Guilt. His Majesty has reason to believe. that some disaffected Persons, taking advantage of the public Necessities, have spread abroad Discourses and Rumours reflecting upon the Government, intending thereby to beget a Disaffection in his good Subjects: And it is an easy thing to take exceptions, Cum neque Culpam humana infirmitas. neque Calumniam regnandi Difficultas evitet. But his Majesty promises himself from your good Affections, that every one of you in your feveral Places will endeavour to preferve a good Understanding between him and his People: And if any just Grievances shall have happen'd, his Majesty will be as willing and ready to redress them for the future, as you to have them represented unto him. And his Majesty doubts not but you will give healing and moderate Counfels, and imprint that known Truth into the Hearts of his Subjects, that there is no distinct Interest between the King and his People; but the Good of one, is the Good of both

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Immediately after, the House of Commonstook into Consideration what had been said to them, and resolv'd upon an Address of Thanks to his Majesty, in which they desur'd and obtain'd the Concurrence of the Lords. Accordingly, on the 15th of October, the two Houses in a Body.

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The Address to the King.

Anno to Car. If, with their Speakers, attended the King in the Banqueting-House at Whitehall; where the Lord-Keeper, as Speaker of the House of Peers, in the Name of both Houses, repeated this following Address to his Majesty: We your of both Houses Majesty's loyal and faithful Subjects, the Lords and Commons in Parliament affembled, having taken into our ferious Confideration your Majesty's gracious Speech, wherein you were pleas'd to let us know, that your Majeffy thought fat to prorogue this Parliament till the 10th of October, that you might give yourfelf time to do fomething which wou'd not be unwelcome, but a Foundation for a greater Confidence between your Majesty and your People; we find ourselves bound in Duty to return your Majesty our humble and hearty Thanks for the gracious Declaration of your royal Intentions in that your Majesty's gracious Speech, and in that deliver'd by your Majesty's Command by the Lord Keeper. And particularly, "That your Majesty has been pleas'd to disband the late rais'd Forces; and to dismiss the Papists from out your Guards, and other military Employments: For your Majesty's Care in quickning the Execution of the Act for restraining the Importation of foreign Cattle: For causing the Canary Parent to be surrender'd and vacated: And more especially, that your Majesty hath been pleased to displace the late Lord Chancellor, and remove him from the Exercise of public Trust and Employment in Affairs of State." To which Address his Majesty was pleased to make this Return; 'I thank you for your Thanks; I am glad the things I have done have given you fo good

His Answer.

Satisfaction: And for the Earl of Clarendon, I affure you I will never employ him again in any publick Affairs whatfoever.

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Proceedings against the Earl of Clarendon.

October 26. the Commons took into Examination, the Conduct of the Earl of Clarendon, to whose charge * Mr. Edward Seymour then laid many great and heinous Crimes. Upon which there arose a Debate in the House how they should proceed upon it, some moving he should be impeach'd in the Name of the Commons, till Articles should be form'd against him; others urg'd, that Witnesses should be first examined, to see how the Charge might be made good, left, in case of Failure, it might reflect on the Honour of the After a long Debate a Committee was appointed House. to learch Records for Parliamentary Proceedings in the like Cases; from which Sir Thomas Littleton making Report on the 30th, that they had found various Proceedings in feveral Parliaments, there arose another long Debate, which was maintained with great Warmth, and in which the Earl

Sir Tho. Littleton.

^{*} Afterwards Sir Edward, Speaker of the House of Commons, a Commissioner of the Admiralty, and Treasurer of the Navy.

was loaded with many heavy Crimes and Mildemeanors. Anno 19 Car. II. The chief Speakers against his Lordship were Mr. Seymour, Sir Thomas Littleton, Serjeant Maynard, Sir John Holland, Sir Thomas Osborn, * Sir Robert Howard, Mr. Garraway, Lord Saint John, † Sir Charles Wheeler, Mr. Hampden, Mr. Marvel, Mr. Prynne, Mr. Secretary Morrice, Mr. Waller, and || Sir John Vaughan; which last having been formerly intimate with the Chancellor, upon the Refloration finding himself receiv'd with more coolness than he expected, omitted no opportunity of opposing him; and in these Debates none pursu'd him with greater Animosity. The chief on the other fide, who stood up in favour of the Earl, were Sir Heneage Finch, Sir Francis Goodrick, Mr. Coventry, Sir Edward Thurland, Sir John Brampston, ** Sir John Talbot, Sir John Shaw, †† Sir Thomas Clifford, III Sir Stephen Fox, and the Earl's own Son, Mr. Lawrence Hyde: which last declared, he was sensible the House His Son vindimight think him partial; but that he shou'd endeavour to cates him. shew himself not so much the Son of the Earl of Clarendon. as a Member of that House: That if he shou'd be found guilty, no Man shou'd be more against him than he; otherwife he hoped every one wou'd be for him as much as himfelf: That every one in his own Conscience was to confider what of that Charge was true; fince he was affur'd, that if one Article was prov'd against the Earl, he and all his Friends wou'd own him guilty of all the rest.

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This Debate ended in a Vote, that the Committee shou'd reduce the Accusation to Heads, and present them to the House; all which was done on the 6th of November; when Sir Thomas Littleton reported and read the same as follows:

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^{*} Auditor of the Exchequer. † Captain of Foot and Governor of Newis. || At the end of this Session, made Lord-Chief-Justice of the Common Pleas. † Asterwards Secretary of State. ** Captain of Foot and Dragoons, Commissioner of Prixes, Excise, Fee-Farm-Rents, and Master of the Jewel Office in Reversion. †† First Comptroller, then Treasurer of the Houshbold, and asterwards a Peer, and Lord High Treasurer.

Ill Clerk of the Green-Cloth. With Regard to this last Gentleman, Arch-Deacon Echard tells the following Story:

^{&#}x27;It is to be remembr'd, that in all the Proceedings of the Commons against this unfortunate Man, Sir Stephen Fox, who had a particular Place in the King's Houshold, as well as in the Commons, always voted in favour of the Earl. For which he was reprimanded by the King himself, who seeing him one day, said, How now, Fox, bow came you to vote against my Inclinations? Sir Stephen bravely answered to this Effect, Sir, I bave known this Gentleman many Years, and bave liv'd under the same Roof with him; and I am sure he is an honest Man, and can never be guilty of the Crimes laid to his charge. Upon which the King reply'd with a Puff, Ay, Fox, you will say any thing; and so win'd away without any more Words, or future show of Resentment,

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The Articles against him.

Anno recar. II. I That the Earl of Clarendon hath delign'd a standing Army to be rais'd, and to govern the Kingdom thereby; and advis'd the King to dissolve this present Parliament, and to lay aside all Thoughts of Parliaments for the future, to govern by a Military Power, and to maintain the same by Free-Quarter and Contribution. II. That he hath, in the hearing of the King's Subjects, fallly and feditioufly faid, That the King was in his Heart a Papist, or Popishly as. fected; or Words to that effect. III. That he hath receiv'd great Sums of Money for the procuring of the Canary Patent, and other illegal Patents; and granted illegal Injunctions to stop Proceedings at Law against them, and other illegal Patents formerly granted. IV. That he hath advised and procured divers of his Majesty's Subjects to be imprison'd against Law, in remote Islands, Garisons, and other Places, thereby to prevent them from the Benefit of the Law, and to produce Precedents for the imprisoning any other of his Majesty's Subjects in this manner. V. That he procured his Majesty's Customs to be farmed at Under-Rates, knowing the same; and great pretended Debts to be paid by his Majesty, to the Payment of which his Majefty was not firictly bound; and afterwards receiv'd great Sums of Money for procuring the fame. VI. That he receiv'd great Sums of Money from the Company of Vintners, or some of them, or their Agents, for inhancing the Prices of Wines, and for freeing them from the Payment of legal Penalties, which they had incurr'd. VII. That he hath in a short time gain'd to himself a greater Estate than can be imagin'd to be gain'd lawfully in so short a time; and, contrary to his Oath, he hath procured several Grants under the Seal, from his Majesty to himself and Relations, of several of his Majesty's Lands, Hereditaments and Leases, to the disprosit of his Majesty. VIII. That he hath introduc'd an arbitrary Government in his Majesty's Foreign Plantations, and hath caus'd fuch as complain'd thereof before his Majesty and Council, to be imprison'd for so doing! IX. That he did reject and frustrate a Proposal and Undertaking, approved by his Majesty, for the Preservation of Nevis, and Saint Christopher's, and reducing the French Plantations to his Majesty's Obedience, after the Commissions were drawn for that purpose; which was the Occasion of our great Losses and Damages in those Parts X. That he held Correspondence with Cromwell and his Complices, when he was in Parts beyond the Seas, attending his Majesty, and thereby adhered to the King's Enemies. XI. That he advised and effected the Sale of Dunkirk to the French King, being part of his Majesty's Dominions; together with the Ammunition, Artillery, and all forts of Stores there,

there, and for no greater Value than the faid Ammunition, Anno 19 Car. II, Artillery and Stores were worth. XII. That the faid Farl did unduly cause his Majesty's Letters Patent, under the Great Seal of England, to one Dr. Crowther, to be alter'd, and the Enrollment thereof to be unduly rafed. That he hath in an arbitrary way examin'd and drawn into question divers of his Majesty's Subjects concerning their Lands, Tenements, Goods, Chattels and Properties, and determin'd thereof at the Council-Table, and stopt Proceedings at Lawby order of the Council-Table, and threatned some that pleaded the Statute of the 17th Car. I. That he hath caused Que Warrante's to be issued out against most of the Corporations of England, immediately after their Charters were confirm'd by an Act of Parliament, to the intent he might require great Sums of Money for renewing their Charters; which when they comply'd withal, he caus'd the faid Quo Warranto's to be discharg'd, and Profecution therein to ceafe. XV. That he procur'd the Bills of Settlement of Ireland, and receiv'd great Sums of Money for the same in a most corrupt and unlawful manner. XVI. That he hath deluded and betrayed his Majesty and the Nation in all Foreign Treaties, and Negotiations relating to the late War, and betray'd and discover'd his Majefty's fecret Councils to his Enemies. XVII. That he was the principal Author of that Fatal Council of dividing the Fleet about June 1666.

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After reading these Heads of Accusation, it was Their Examimoved, That in regard the Articles were many, they nation of the might be referr'd to a Committee to see how far they were Particulars. true, because Fame was too slender a Ground to bring a Man upon the Stage. But this was carry'd in the Negative; and so they proceeded to the reading the Articles singly and separately, and to speak to the Truth or Probability of them. The first Article being read, to see what could induce the House to impeach, Sir Robert Howard and Sir John Vaughan said, they heard from Persons of Quality, that it would be provid. As to the second Article, the Lord Saint John faid, Persons of great Quality had assur'd him to make it good; and if they did not, he wou'd acquaint the House who they were. Mr. Seymour, as to the third Article, alledg'd that fufficient Persons would make it good, with this additional Saying, So long as the King is King, and I Lord Chancellor, the Patents will stand: tourth and fifth Articles, * Sir Richard Temple faid, divers had undertaken to make good; if they did not, he wou'd name them: and for the receiving Money of the Vintners, f Sir Robert Car faid, That he knew who would prove it.

^{*} Commissioner of the Customs.

1667.

Anno 19 Car. II. About his getting a great Estate so suddenly, Mr. Seymour said, They need not prove that the Sun shone at Noon-day. And Sir Thomas Littleton added, That his Place as Chancellor could not be worth above four or five thousand Pounds a Year. Then, about introducing an arbitrary Government in the Plantations, Sir Thomas Littleton and Sir Thomas Osborn alledg'd, That' one Farmer and others came from Barbadoes to complain of it, and lodg'd their Petition in that House, but were imprison'd, that they might not be heard: And, for frustrating Proposals for preserving Nevis, &c. Sir Charles Wheeler faid, My Lord-Chancellor only oppos'd As to the Sale of Dunkirk, Sir Thomas Osborn faid, a great Lord told him, that he had made a Bargain for Dun-kirk three Quarters of a Year before it was known. Then, for the Article of fealing Dr. Crowther's Patent, Mr. Streeter faid, the King gave a Living to Crowther; that in the Grant there was a Mistake of a County; Crowther finding the Mistake, petition'd the King to mend it: that the King call'd for the Chancellor and Seal, and in the King's Pre-fence it was amended and feal'd. Mr. Thompson said, he should be able to make good the Article of drawing Mens Lands into question: And for Que Warranto's to Corporations, Sir Thomas Littleton faid, It was fo public a thing that it need not be prov'd. Sir Robert Howard doubted not but the Business about the Settlement of Ireland would be made out; and, for foreign Treaties it would, according to Sir Thomas Littleton, appear by the Treaties themfelves, putting them in hopes of Peace, and so hindering the Fleet's fetting out. Lastly, Mr. Thompson said, he did not want Persons to make good the Article about the Miscarriage of the War.

The tenth Article, concerning the Earl's Correspondence with Cromwell, upon a Debate, was found to be within the general Act of Indemnity, and therefore was drop'd and expung'd. And at last the Question being put, Whether the House had sufficient Inducement to impeach, it was carry'd in the Affirmative. So on the 9th of November the first Article being read, a long and learn'd Debate arose, whether to accuse him of Treason upon it; but it was carry'd by a great Majority in the Negative. The fecond Article was debated, but not voted: The Third and Fourth were foon carry'd against the Earl: The Fifth had the same Fare with the Second: The Sixth, Seventh, Eighth and Ninth, were read and voted. But the Tenth, that of Dunkirk, admitted of a strenuous Debate, and at last was passed by, without determining whether it was Treason or not. The Eleventh, Twelfth, Thirteenth and Fourteenth, were carry'd without opposition. As to the Fifteenth, which was

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now the last but one, after a Debate it was carry'd to im- Anno ro Car. II. peach of Treason. Accordingly they resolv'd that Impeachment of Treason, and other Crimes and Misdemeanors, should be carry'd up to the Lords against him by Mr. Edward Seymour : who, on November the 12th, went up to the Treafon, &c. House of Lords; and the Lord-Keeper Bridgeman being come to the Bar to meet him, he delivered himself to this purpose: 'My Lords, the Commons assembled in Parliament, having been informed of several traitorous Practices, and other Crimes and Misdemeanors committed by Edward Earl of Clarendon, a Member of this honourable House, have commanded me to impeach him: And I do accordingly impeach him of High-Treason, and other Crimes and Misdemeanors, in the Name of the faid Commons, and of all the Commons of England. And they have farther commanded me to desire your Lordships to sequester him from Parliament, and to commit him to fafe Custody, and in convenient Time they will exhibit Articles against him.

They impeach him of High-

But, the Lords being not satisfy'd with a general Way The Lords disof impeaching the Earl, on the 15th of November fent agree with the down to defire a Conference in the Painted-Chamber. At Commons. which, without any Debate, the Earl of Oxford deliver'd a Paper to this effect: 'That the Lords had not committed the Earl of Clarendon, because the Accusation was only of Treason in general, without charging him with any thing in particular.' Upon this there arose a warm Debate in the House of Commons, in which Mr. Who resent it, Garraway faid, I had rather the House should lose the Punishment of this Man, tho' a great Offender, than that this House should lose its Privilege: For if this House may at no time impeach a Lord without giving in particular Articles, it may fall out at a time (as in the Duke of Buckingham's Case) where a great Man by his Interest with the King procures the Dissolution of the Parliament, and then the Accusation falls.' The Debate ended in a Resolution to appoint a Committee to draw up Realons to justify what they had done; and which were delivered in three days after: of which this feems to be the principal; 'If before fecuring the Persons, the special Matter of the Treason should be alledg'd, it would be a ready Course that Complices in the Treason might make their escape, or quicken the execution of the Treason intended, to secure themselves the better thereby.' The Reasons, with divers Precedents to inforce them, were on the 28th communicated at a free Conference: In which the Lords chiefly infilted upon the Petition of Right, where it was provided that none should be committed without foectal

lone recently foecial Caufe, whereby the Party might answer according to Law. From whence they inferr'd ' That the Commons Proceedings were contrary to Law, because a general Charge was against the Pennion of Right.

On the 2d of December the Lords confirm'd their Proceedings, and fent down a Meffage to the Commons by two Judges, to this effect: 'That upon the Report made to them of the last free Conference, they were not satisfy'd to commit or fequefter from Parliament the Earl of Clarendon, without the particular Treason were mention'd or affign'd.' This threw the House of Commons into a great Ferment, and occasion'd several warm Speeches, particularly from Mr. Waller and Sir John Vaughan. The former flood up and faid, The Lords are a noble Effate, but whatever the matter is, they have of late some Advice given them, which makes them proceed as they never did yet; for scarce any thing happens, but they encroach upon us. The Militia is now as burdensome to the fifty Pound Man in the Country, almost as all other Taxes, and the Lords have gotten this Advantage on us, that they touch not the Burden of it with their Finger: So in the Time of the Plague, the Commons must be shut up, but not They; infomuch that a good Act provided to that purpose passed not. We impeach'd the Lord Mordant, and could not bring him to the Bar, tho' formerly I have known an Earl and a Lord brought thither; you defired a free Conference about it, but could not obtain one to this day. Rome was at first modest, and only meddled with Spirituals, but afterwards concern'd themselves so much with other Matters, that every Thing was made to be in Ordine ad Spiritualia, and many Kingdoms thereupon broke from them. The Lords now infift upon one thing, because they fay it is in order to their Judicature; perhaps hereafter they will tell us we must come to them on our Knees, because it is in order to their Judgment. Confider therefore whether Sir J. Vaughan, there be any hope of giving them Satisfaction. Sir John Vaughan was long about Precedents and Law, upon the latter of which the Lords had infifted; and he faid, That in the free Conference there was much Discourse about the Great Charter, and of the Statute of the 25 of Edw. III. but not apply'd: So that I thought Law in a Lord's Mouth was like a Sword in a Lady's Hand; the Sword might be there, but when it comes to cut, it would be aukward and useless.— The Conclusion must be, that no Impeachment by the Commons must go on, unless it be by Presentment; and so

there is an end of all that for which the Parliament is

principally call'd; unless we are Part of those five hundred

Mr. Waller.

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contemptible ones, who are only fit to give Money: That Anno 19 Car. II. may be referved for us, but nothing elfe.

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On the other fide, Mr. Colombine flood up, and thus modeftly argu'd in favour of the Lords: 'The Lords fav. That Committing upon a general Impeachment was against Law, and he thought would appear to: He deny'd not, but a Mittimus without special Cause might be legal, and grounded upon the Perition of Right; the Reason of which was to fecure Men against Commitment by a special Warrant, and a Judge ought not to discharge where Treason was alledg'd: But in this Cafe it was different, the Judges could not discharge a Man committed after Examination. but the Lords ought not to commit a Man, except there were particular Treason. That if he came before a Justice of Peace, and faid I accuse this Man of Treason, would any wife Man commit him? He made his Warrant indeed, but he that accus'd must go farther, and make it more particular, and the special Matter must appear before he commits; and this was the present Case. The common Law was, That no Man ought to be committed without particular Cause: because no Man could commit in capital Matters, without taking Examination before-hand, otherwise no Man could justify a Commitment; Therefore he was not fatisfy'd, that the Lords had not Reason to deny it. That the Commons were in the nature of a Grand Jury to present, but the Lords were the Judges: That Commitment was not the Judgment, but in order to it; and the Lords had a discretionary Power in the Case: They said not that they would not commit, but that they were not fatisfy'd to do it without special Matter, therefore the Commons ought to fend it up. After all the Debate, the House came to this positive Resolution, ' That the Lords, not having comply'd with the Defire of the Commons in committing the Earl of Clarendon, and sequestring him from Parliament upon the Impeachment from that House, was an Obstruction to the public Justice of the Kingdom, and a Precedent of evil and dangerous Confequence: And upon this they appointed a Committee to draw up a Declaration to vindicate their Proceedings.

About this Time the Earl of Clarendon thought proper The Earl of to withdraw, and having left an * Apology for his Con- Clarendon duct, addressed to the Lords, that House, upon receiving withdraws, and this Address, on the 3d of December sent a Message to leaves a rethe Commons by two Judges, fignifying 'That they had markable Aporecciv'd a large Petition from the Farl of Clarendon receiv'd a large Petition from the Earl of Clarendon, which intimated that he was withdrawn; and foon after dehred a present Conference with them. At which Con-

Mr. Colombine.

ference,

His Apology is to be found in Echard.

1667.

Anno 19 Car. II. ference, the Duke of Buckingham, who was plainly aim'd at in the Petition, deliver'd it to the Commons, and with his usual way of Infult and Ridicule said, 'The Lords have commanded me to deliver to you this scandalous and seditions Paper sent from the Earl of Clarendon: They bid me to present it to you, and desire you in convenient time to send it to them again; for it has a Style which they are in love

with, and therefore defire to keep it.'

Sir John Vaughan.

When the Earl's Address and Apology was read by the Commons, it occasion'd a new Turn, and a new Warmth in the Debates of that House. Sir John Vaughan began with great Fury, and among other things faid, 'It is the first time that ever I heard an innocent Man run away under the greatest Charge, with Hopes to return again and vindicate himself. Mark one Expression; he says, he is as far from Corruption, as he is from Difloyalty: If he had faid he was guilty of neither, he had faid fomething, but by that Expression he may be guilty of both. So insolent a Paper I never met with in this Kingdom, nor have I ever heard the like in any other: So inconsiderable a Part of the Nation as he is, to lay it upon the Nation, who, if innocent, might defend himself; if guilty, why does he charge the Nation with persecuting? Therefore, without troubling ourselves with it, do as the Lords have done, who, deliver'd it to us as a scandalous and seditious Paper; it has Malice in it, and is the greatest Reproach upon the King and the whole Nation, that ever was given by Man.' Therefore in conclusion he put the Question, Whether the Paper should be voted scandalous and malicious, and a Reproach to the Justice of the Nation? Which was carry'd in the Affirmative. Sir Robert Howard mov'd that it should be burnt by the Common-Hangman; but that was oppos'd, because the Lords desir'd the Paper to be return'd; yet still at last that was carry'd also in the Affirmative.

The Lords fend down a Bill to banish the Earl.

On the 13th of December, a Bill was fent down from the Lords for the Banishment of the Earl of Clarendon. Upon the reading of which, several Objections were made; and it being alledg'd, That it was an Abuse put upon the Commons by the Lords, and that a Bill of Attainder being propos'd, after some Debate the House pass'd this Vote; Resolved, That, this House taking notice of the Flight of the Earl of Clarendon, being under an Impeachment of High-Treason by this House, the King's Majesty be humbly desired to issue out his Proclamation for summoning the faid Farl to appear by a Day, and to apprehend him in order to his Tryal: And that the Lords be sent to for sheir Concurrence in this Vote. But the Lords, would

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hot concur: and on the following Day deliver'd their Anno 19 Car. Il Reasons, and particularly declared, 'That their Lordships' apon Confideration of the whole State of Affairs, and of the Kingdom, have, upon Grounds of Prudence and Justice, thought fit, for Security of King and Kingdom, to proceed in a Legislative way against the laid Earl; and have to that end pass'd and sent down a Bill of Banishment and Incapacity against him; with which their Vote was inconsistent.' brought on a Debate concerning the Bill of Banishment, which some thought too little for the Crimes alledg'd, and others too great for the Cause in hand. Mr. Swinford spoke his mind Mr. Swinfo freely, and among other things faid, 'The Lords will neither fecure nor fummon him, but will condemn him unheard; and this they put you upon, which is against Honour and Justice, especially to do it upon Reason of State. The Power of Parliaments is indeed great; it hath no Bounds but the Integrity and Justice of Parliaments. If Reason of State be a Motive of Parliament to banish one Man, so it may be for many. If you go in this Legislative way, you bring upon your felves all the Dishonour of the Business; but the Lords will have some Excuse, which you cannot; for they look'd upon the Charge fo flight, as nor to imprison him. The Party is gone, apprehending, he says, the Fear of the Multitude, not of his Tryal: so the Lords not giving Credit to your Charge against him, he says, He flies not from Justice. Now, if upon this Bill you should banish him, it would be said, you could not make good your Charge, and therefore laid this Sentence upon him. The Precedent is also dangerous, if, having gone so far in a Judicial way, you should now go in a Legislative. If, upon Reason of State, Lords might be banish'd, it may be by Dozens: As you proceed justly, so you will be justified. After leveral Speeches on the 18th of December the Bill was read a third time in a thin House, and the Question The Bill pass'de being put for passing it, fixty-five were for it, and forty-two agaimft it.

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On the 19th, the King by Commission pass'd that, and Acts passed, and four other Bills, viz. I. An Act for taking the Accounts of the Parliament the feveral Sums of Money therein mentioned. 2. An Act adjourn'd for for affiguing Orders in the Exchequer without Revocation for affigning Orders in the Exchequer without Revocation. . An Act to make Prize-Ships free for Trade. And, 4. An Act for fettling Freedom and Intercourse of Trade between England and Scotland. Immediately after, Mr. Secretary Morrice delivered this Message from the King to the House of Commons; 'His Majesty having by a former Mesfage acquainted you, That he intended an Adjournment to the Beginning of February; he doth now conceive, That Thursday the 6th of February is a convenient Day to " which TOME I.

Anno recer. 11. " which fuch an Adjournment may be made: And his M ' jefty is willing to adjourn to that time.' Accordingly the Parliament broke up, after it had fate a little above two Months, and without any Prorogation had now a Recess of above feven Weeks.

> February 10. Both Houses met again at Westminster; when his Majesty made the following Speech from the

Throne:

The King's Speech to both Houses.

' My Lords and Gentlemen,

Am glad to fee you here again, to tell you what I have done in this Interval, which I am confident you will be pleas'd with, fince it is so much for the Honour and Security of this Nation. I have made a League defensive with the States-General of the United Provinces, and likewife a League for an efficacious Mediation of Peace between the two Crowns of France and Spain; into which League, that of Sweden, by its Ambassador, hath offer'd to

enter as a Principal.

I did not at our last Meeting move you for any Aid, tho' I lie under great Debts contracted in the last War; but now the Posture of our Neighboursabroad, and the Consequence of the new Alliance, will oblige me, for our Security, to fet out a confiderable Fleet to Sea this Summer; and because I must build more great Ships, and it is as necessary, that I do something in order to the fortifying some of our Ports: I have begun fomething my felf in order to these 'Ends; but if I have not your speedy Assistance, I shall not be able to go through with it. Wherefore I do ear-' neffly defire you to take it into your speedy Consideration; for the loss of a little time now may beget a Prejudice not to be repaired. And for the settling a firm Peace, as well at home as abroad, one thing more I hold my felf oblig'd to recommend to you, at this present; which is, That you would feriously think of some course to beget a better Union and Composure in the Minds of my Protestant Sube jects in Matters of Religion; whereby they may be induced not only to submit quietly to the Government, but also chearfully give their Assistance for the Support of it.

The Commons deferred the Consideration of this Speech till after the Committee, appointed to enquire into the Miscarriages of the late War, had given in their Reports. In order to which the Duke of Albemarle, Prince Rupert, and even the Duke himself, laid each his own Account before them. That of the Duke of Albemarle being as follows:

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' I went early on Tuesday the 11th of June to Chatham, where I found scarce Twelve of eight hundred Men, which

Duke of Albemarle's State of the Affair at Chatham.

were then in the King's Pay, in his Majesty's Yards; and Anno 19 Car. II. those so distracted with Fear, that I could have little or no Service from them. I had heard of thirty Boats, which were provided by his Royal Highness; but they were all, except five or fix, taken away by those of the Yards, who went themselves with them, and sent and took them away by the Example of Commissioner Pett, who had the chief Command there, and fent away his own Goods in some of them. I found no Ammunition there, but what was in the Monmouth; so that I presently sent to Gravesend for the Train to be sent to me, which got thither about two of the clock next Day. After I had dispatch'd this Order, I went to visit the Chain, which was the next thing to be fortify'd for the Security of the River; where I found no Works for the Defence of it. I then immediately fet Soldiers to work for the raising of two Batteries, for there were no other Men to be got; and when I employ'd them in it, I found it very difficult to get Tools; for Commissioner Pett would not furnish us with above thirty, till by breaking open the Stores we found more. I then directed Timber and thick Planks to be fent to the Batteries and Guns also, that they might be ready to be planted as foon as the Batteries were made; and in the next place I fent Captain Wintour with his Company to Upnore-Castle, which I took to be a Place very fit to hinder the Enemy from coming forwards, if they should force the Chain: And upon further confideration, tho' I had Horse near the Fort, left the Enemy should land there, I commanded Sir Edward Scot, with his Company, for a further Strength of the Place; and gave him the charge of it, with Orders to let me know what he wanted for the Security thereof.

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' Having thus provided for Upnore, I confider'd where to link Ships without the Chain, next to the Enemy, as a further Security to it. I found five Fire-ships, and the Unity upon the Place; and advising with Commissioner Pett, and the Master of Attendance, and the Pilot, how to do it; Pett told me, It was their opinion, that if three Ships were funk at the narrow Passage by the Muscle-Bank, the Dutch Fleet could not be able to come up: And I, relying upon their Experience who best knew the River, gave orders accordingly for the doing of it. But when this was done, they faid they wanted two Ships more, which I directed them to take and fink. After this, I order'd Sir Edward Spragg to take a Boat and found whether the finking of those would sufficiently secure the Passage; which he did, and tound another Passage (which the Pilot and Master of Attendance had not before observ'd) that was deep enough for great Ships to come in: I thereupon resolved to fink some Ships within the Chain, and provide some against there thould

Anno 19 Car. II, should be occasion. I went then to look after the other Ships and Batteries, and to fee the Men and all things ready; but I found the Guns, which I had before order'd to be there not yet come down; and inflead of thick, oaken Planks, (of which there was good flore in the Yards, as it afterwards appear'd) the Commissioner would only send Planks of Deal. faying, he had no other; which prov'd very prejudicial in the Use of them: For they were so weak, that at every shot the Wheels sunk through the Boards, which put us to a

continual trouble to get them out.

About Noon, before the Batteries were quite rais'd, the Enemy came on to the Place where our first Ships were funk: I went on board the Monmouth with fifty Volunteers, and appointed Soldiers in other Ships to make the best defence we could, if they had proceeded; but they were fo incumber'd before they could clear the way through the funk Ships, and find another Passage, that the Tide was ipent, and therefore they made no further advance that day; whereby we had time to confider what to do against the next Attempt. There were two Ships order'd to lie within the Chain, to be ready to fink, if occasion should be: 'And wanting one Ship more to fink in the middle between these two Ships, I that Night order'd the Santta Maria, a great Dutch Prize, to be funk in the deepest Place between the two foresaid Ships; and I judg'd it so necessary to be done, that I charg'd Commissioner Pett, and the Master of Attendance, on peril of their Lives, to do it by Morning; they having time enough before the Tide ferv'd to provide things to carry her down. Commissioner 'Pett, who had receiv'd' Orders from his Royal Highness on the 26th of March to remove the Royal Charles above the Dock, had, for about nine or ten Weeks, neglected those Orders: And, when I was getting all the Boats I could (for I wanted many) for carrying Materials for the Batteries, and Ammunition and Soldiers for the Defence of all our Places, he came and told me, He would carry her up that Tide, if he might have Boats, which I could not then spare: For if they were gone, all our Batteries must have been neglected, and I could not transport the Timber, Powder and Shot, and Men to them, to refift the Enemy the next day. And beside, it was advised at that instant, if the Dutch should have landed in the Marsh by the Crane, she might have been useful and have hinder'd them; having Guns on board. Nevertheless, having notice shortly after, that there was neither Sponge, Ladle, Powder nor Shot in her, I fent Captain Millet, Commander of the Matthias, about ten in the Morning, with Orders to Commissioner Pett to carry her up as he could the next Tide; who pretended he could not then do

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it, because there was but one Pilot that would undertake it, Anno so Car. U. and he was employ'd about finking of Ships. And feeing the was not remov'd in the Morning, I myself spoke to Com-missioner Pett in the Evening, in the presence of Colonel Mac-Noughton and Captain Mansfield, to setch her off that Tide; but notwithstanding these Orders, the Ship was not remov'd, but lay there till the Enemy took her. On the fame Morning, by break of Day, I went to fee what was done about the Sancta Maria, and found Men towing her along to the place intended, and they had Time enough to do their Bufiness: But soon after I had dispers'd my Orders to the Ships, I look'd and faw the Sancta Maria, by the Carelessiness of the Pilots and Masters of Attendance, was run on ground, at which I was much troubled: For if that Ship had been funk in the Place where I appointed, the Dutch Ships cou'd not have got beyond those of ours funk within the Chain, and thereby none of the King's Ships within could have been deftroyed, in regard that our Guard-Ships within our Batteries wou'd have hinder'd them from

removing our funk Ships.

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' About ten a clock on Wednesday, the Enemy came on with Part of their Fleet, and two Men of War, five or fix Fireships, and some other Men of War seconding them. They first attempted the Unity, which was plac'd on the Right-Hand close without the Chain to defend it; and they took Her; and one of their Fireships struck upon the Chain. but it stop'd it. Then came another great Fireship, and with the Weight of the two the Chain gave way; and then the Ships came on in that very Passage where the Sancta Maria shou'd have been sunk. They burnt the two Guard-Ships, and took off the Royal Charles, wherein the Gunners and Boat-Swain did not do their Duty in firing her, tho' they lay they attempted it twice, but the Fire did not take. was all that I observ'd of the Enemies Action on Wednesday. Our next care was to provide against the Tide which serv'd the next Day: I enquir'd what had been done by Sir Edward Scott at Upnore, and fent him as many of those Things he needed as I cou'd get Boats to carry them to him, and fent likewise a Company more than was formerly order'd, to reinforce the Place in case of Landing; and then directed three Batteries to be made in the King's Yard; but cou'd not get a Carpenter, but two that were running away. also planted that Night about fifty Cannon in several Places, besides those that came with the Train of Artillery, which were also planted; I staid all Night in the Place with the Men, and having no Money to pay them, all I could do or by was little enough for their Encouragement: for I had No Assistance from Commissioner Pett, nor no Gunners or Men

Car.H. Men to draw on the Guns, except the two Masters of At. 3667.

tendance.

On Thursday Morning betimes, Upnore was in a pretty good Condition, and our Batteries ready: I got some Captains of Ships and other Officers, Sea-Volunteers, and others that came to me, to ply the Guns; and other Land-Volunteers did affift them to draw them on the Batteries. About Noon the Enemy came on again with two Men of War, and two Fireships, and some more Men of War following them: The first two anchored before Upnore, and play'd upon it whilft the Fireships pass'd by to the Great James, the Royal Oak, and the Loyal London. The two first Fireships burnt without any Effect; but the rest went up and burnt the three Ships mention'd: And if we had had but five or fix Boats to cut off the Boats of the Fireships, we had prevented the burning of those Ships; but those being burnt, as soon as the Tide turn'd, they went back, and made no further Attempt. I had, in the Morning before this Action, receiv'd his Majesty's Command to return to London; but I thought it most for his Service to stay till the Attempt was over: And then, having left upon the Place the Earl of Carliffe, and the Earl of Middleton to command there till further Order, I came away about eight in the Evening, and by two in the Morning arriv'd at London."

Some Mifcarrizges voted.

From this and other Examinations, the Commons discover'd and voted feveral Miscarriages in the late War, and particularly in the Expedition at Berghen; in the plundering the East-India Ships while the Dutch pass'd by; in the not fetting out a fufficient Fleet last Year; in the separation of those that were out, so that they became useles; in the want of Provision and Ammunition in the Fleet, and in the Forts; in Payment of the Sea-Men by Tickets; in the want of Intelligence, and dividing the Fleets in the fecond Year of the War; in the Bufiness of Chatham, &c. And they particularly resolved, 'That, notwithstanding his Majesty had eighteen thousand Men in Pay, in dispersed Ships in the Year 1667, there was not a sufficient Number of Ships lest to fecure the Rivers Medway and Thames.' They strictly examin'd into one Miscarriage as to the first Battle against the Dutch, in which it appear'd, 'That if the Orders of the Duke of York had been strictly observ'd, as they ought, in that Engagement, the whole Fleet of the Enemy had probably been deftroy'd.' For this, Mr. Brunkard, a Member of the House, was accus'd of giving false Orders to Sir John Harman to flacken Sail, while the Duke was repofing himfelf, and when they were pursuing the Enemy with the utmost Advantage; for which Mr. Brunkard was both expell'd the House, and order'd to be impeach'd.

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The Miscarriage at Chatham was so conspicuous, that they Asno 20 Can. II. thought they could do no less than impeach Commissioner Pett for so great a Delinquency in that Affair: Accordingly they drew up Articles against him to this effect: ' I. That Commissioner the said Peter Pett, being a Commissioner especially autho. Pett impeach'd. riz'd and entrusted with the Care of his Majesty's Yards, Stores and Provisions of the Royal Navy at Chatham, and having received Orders from the Duke of York about the 26th of March, laft, requiring him to bring up and moore his Majesty's Ship, the Royal Charles, and other Ships, did wilfully neglect and refuse so to do; whereby the said Ships were loft, and became a Prey to the Enemy. II. That his Majesty having upon the 11th of June last appointed the Duke of Albemarle to repair to Chatham, to fecure all things against the Invasion of the Dutch; he the said Duke found the Royal Charles not brought up, but lying below in a Place of Danger; and having given Orders to the faid Pett to cause the said Ship to be brought up as high as cou'd be into a place of Safety, the faid Pett neglected the doing thereof. III. That Captain Brooks, one of his Majesty's Attendants at Chatham, knowing that the Duke had given express Orders to cause the Royal Charles to be brought up, did prepare Anchors and other Tackling ready for the same; and desir'd the said Pett to give Orders for his so doing, which he refus'd to do. IV. That the Duke of York having given Orders to the faid Pett to provide thirty Boats for the Defence of the River and Navy, he did not only himself misemploy some of the said Boats for the removing some of his particular Goods, but fuffer'd the rest to be likewise misemploy'd, and did also seize a boat belonging to Sir Edward Spragg; fo, for want of these Boats, many of his Majesty's Ships were loft, and the Security of the rest hinder'd. That the Commissioners of his Majesty's Navy, having signify'd to him on the 4th of June, that the Dutch were out, and given him special Charge to command all Captains on Land to their Ships, and to be vigilant in the rest of the Charge committed to him; he was so negligent, that of eight hundred Persons, which were under his Care and Command, when the Duke of Albemarle repaired thither, there were not above ten ready upon the Invalion of the Enemy. VI. That the faid Duke, having appointed Soldiers to raise Batteries for the Defence of the Navy, He, to obstruct the Service, refused to give them the Number of Tools required, notwithstanding he had a sufficient Quantity in his Majesty's Stores, as it appear'd when those Stores were broke open. VII. That the faid Duke having fent Orders to him to fend out of his Majesty's Yards some Oaken Planks for his Platforms and Batteries, he fent only Deal Boards, which were prejudicial

Anno seCar. II. prejudicial to the Service, notwithstanding that there were in his Majesty's Yards several Oaken Planks sie for that Service. For all which Crimes and Misdemeanors they demanded Justice and condign Punishment, &c. at the Bar of the Lords.

And Hkewife Sir William Penn.

Not farisfied with this Impeachment, by means of some Discoveries and Informations, the Commons found and fingled out Sir William Penn, another of his Majesty's Commissioners, and drew up Articles against him to this Purpose: 'I. Whereas in September 1665, the Golden Phoenix, and the Slothany, two Dutch Ships, were taken at Sea as Prize, by his Majesty's Fleet under the Earl of Sandwich, in which the faid Sir William Penn was then Vice-Admiral; he the faid Sir William, contrary to his Duty, &c. did conspire with several Persons to open the Holds of the faid Ships, before Judgment pass'd in the Admiralty Court, and from thence imbezzled great Quantities of rich Goods, whereby his Majesty was defrauded of above an hundred and fifteen thousand Pounds. II. The said Sir William, in pursuance of the Conspiracy, did about the same time repair on board the Prize-Ship the Slothany, with Sir William Berkley, Vice-Admiral under his Command, and did there give Orders to Captain Waerden, to whose Charge the faid Ship was committed, to follow the Directions William Berkley; who thereupon broke open the Hold of the said Ship, and took out several rich Goods of great Value, after it was clos'd and feal'd up, and by the Affistance of Sir William Penn, who sent several Men on board for that purpose. III. He the said Sir William gor a considerable Part of the Goods into his possession, and shortly after did sell divers Parcels of the said Goods, and further warranted the Sale thereof. IV. The better to colour the faid Fraud and Imbezzlement, Orders were obtain'd from the Earl of Sandwich for distributing some part of the faid Goods among several Officers, whereof Sir William was Chief, to be submitted, as was pretended, to his Majefty's further Pleasure, tho' Sir William well knew the Orders of the Earl of Sandwich were void in every respect; And afterwards a Warrant for distributing the Goods was duly procured from his Majesty; whereas the said Sir William had, before that, posses'd himself of divers of the Goods; and, over and above, did dispose of a further quantity of Goods than was contain'd in the Orders of the Earl of Sandwich, or his Majesty's Warrant, to the Value of above two thousand Pounds.' For all which Crimes and Misdemeanors the Commons likewise demanded Judgment, &c. of the Lords.

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Impeachments retarded the Supplies he had demanded, fent no less than three Messages, to bring back the Stream of Business to his own favourite Channel; the first of which, was in these Words: 'His Majesty hath been unwilling' The King's hitherto to interrupt you in your Proceedings; but, conthe Commons, sidering the Posture in which his Neighbours now are to hasten the and that the Spring is already fo far advanc'd, and that his Supply. 'Allies (as they have great Cause) press his Majesty to hasten his Preparations, he holds it absolutely necessary, in respect of the Safety as well as the Honour of the Nation, that a Fleet be fet forth with all speed, and that Course be taken for fortifying his Ports, and building more Ships: And therefore he doth again earnestly recommend it to you, forthwith to provide for such a Supply as these Occasions shall require: And because you have not yet had Satisfaction upon the Bill of Accounts of the former Supply, his Ma-' jefty is very willing that this be collected and iffu'd for those Purposes, by such Persons only as you shall think ht. The fecond and the third Message were only to enforce this; only in the last he let them know that he design'd to put a period to this Session on the 4th of May. But finding this Design not so well relish'd, he sent a fourth Message to them on the 24th of April, in these Words: 'His Ma- Another Mes-' jesty by his former Message thought fit to acquaint you, sage. 'That he intended the prefent Session of Parliament should ' determine on the 4th of May; but, finding the Proceedings in many important Bulinelles, now under agitation, would be loft, if there should be a Session; and that many things not yet foreseen may happen to induce him to call 'you together again before Winter, hath now thought fit to acquaint you, That he intends only an Adjournment ' for three Months; and defires you therefore to perfect the Bills for Supplies, and fuch others as may be made ready by the faid 4th of May, so that he may then give ' his royal Affent to them before the Adjournment.' The House notwithstanding proceeded with the Business that lay before them; and especially the Informations they receiv'd from some Counties, particularly Staffordshire, of the infolent Carriage and Abuses committed by Persons in several Places, in interrupting and disturbing of Ministers in their Churches, and holding Meetings contrary to Law. In consequence of which, after a solemn Debate and Resolution, they made and presented an humble Petition to his Majesty, That he would iffue out his Proclamation for enforcing They petition the Laws against Conventicles; and that Care might be the King for a taken for the Preservation of the Peace against all unlawful Proclamation The King against Con-Assemblies of Papists and Nonconformists. thought venticles. TOME I.

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Mean while, the King, believing these Proceedings and Anno 20 Car. IL

A Difference between the two Houses.

has socrett, thought himself oblig'd to comply with his Commons, and accordingly gave this Answer; 'I will iffue forth my Proclamation according to your defire; adding withal, And I do not doubt but you will take the second Part of my Speech into Confideration, according to the Vote."

> About this time, a Difference happen'd between the Lords and Commons, occasion'd by Mr. Skinner a confiderable Merchant of London, who, having receiv'd great Damages from the East-India Company, had brought the Matter by Petition into the House of Lords originally, by whom he was reliev'd in 5000 Pounds Cost. The Commons hearing of this, after a Debate, came to these Votes and Resolves on the 2d of May: ' 1. That the Lords taking cognizance of the Matter fet forth and contain'd in the Petition of Thomas Skinner Merchant, against the Governor and Company of Merchants trading to the East-Indies, concerning the taking away the Peritioner's Ship and Goods, and affaulting his Person, and their Lordships over-ruling the Plea of the faid Governor and Company, the faid Cause coming before their House originally, only upon the Complaint of the faid Skinner, being a Common-Plea, is not agreeable to the Law of the Land; and tending to deprive the Subject of his Right, Ease and Benefit due to him by the said Laws. 2. That the Lords taking cognizance of the Right and Title of the Island in the Perition mention'd, and giving Damages thereupon against the said Governor and Company, is not warranted by the Laws of this Kingdom. 3. That the faid Thomas Skinner, in commencing and profecuting a Suit by Petition in the House of Lords against the Company of Merchants trading to the East-Indies (wherein several Members of this House are Parties concern'd with the faid Company, in particular Interests and Estates) and in procuring Judgment therein, with Directions to be ferv'd upon the Governor, being a Member of this House; or upon the Deputy-Governor of the said Company, is a Breach of the Privilege of this House. In conclusion, they order'd the faid Mr. Skinner, for so acting, to be taken into Custody of the Serjeant at Arms.

> The East-India Company having petition'd the Commons, as well as Mr. Skinner had the Lords, the Commons after their three Votes, further Refolved, 'That the Petition of the Merchants trading to the East-Indies, and the two first Votes of this House now passed, relating to the Jurisdiction of the Lords, be deliver'd by a Message to the Lords Bar, with Reasons for enforcing the said Votes. This occasion'd two or three Conferences with the Peers; in one of which, the Duke of Buckingham deliver'd the following Speech:

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The Votes of the Commons upou it.

Gentlemen of the House of Commons, I am commanded Anno zoCar. II. by the House of Peers, to open to you the matter of this Conference; which is a Task I could wish their Lordships had been pleased to lay upon any body else, both for their own sakes and mine: Having observed, in that little Ex- Speech, at a perience I have made in the World, there can be nothing Conference of greater difficulty, than to unite Men in their Opinions, with the Comwhole Interests seem to disagree.

'This, Gentlemen, I fear is at present our Case; but yet I hope when we have a little better confidered of it, we shall find that a greater. Interest does oblige us, at this time, rather to join in the Preservation of both our Privileges,

than to differ about the Violation of either.

We acknowledge it is our Interest to defend the Right of the Commons, for should we suffer them to be oppressed, it would not be long before it might come to be our own Case; and I humbly conceive it will also appear to be the Interest of the Commons, to uphold the Privilege of the Lords, that so we may be in a Condition to stand by and support them.

All that their Lordships desire of you upon this Occafion, is, That you will proceed with them as usually Friendsdo, when they are in dispute one with another; that you will not be impatient of hearing Arguments urged against your Opinions, but examine the weight of what is faid, and then imparrially confider which of us two are the likelieft to

be in the wrong.

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'If we are in the wrong, we and our Predecessors have been fo for these many hundreds of Years, and not only our Predecessors, but yours too: This being the first time that ever an Appeal was made, in point of Judicature, from the Lords House to the House of Commons. Nay, these very Commons, which rurned the Lords out of this House, though they took from them many other of their Privileges, yet left the constant Practice of this till the very last day of their Sitting; and this will be made appear by several Precedents these noble Lords will lay before you, much better than I can pretend to do.

'Since this Business has been in agitation, their Lordthips have been a little more curious than ordinary, to inform themselves of the true Nature of these Matters now in question before us; which I shall endeavour to explain to you as far as my small Ability, and my Aversion to hard Words, will give me leave: for howfoever the Law, to make it a Mystery and a Trade, may be wrapt up in Terms of Art, yet it is founded in Reason and is obvious

to common Sense.

Duke of Buckingham's

Anno 20Car.II.

The Power of Judicature does naturally descend, and not ascend; that is, no inferior Court can have any Power which is not derived to it from some Power above it.

'The King is by the Laws of this land, Supreme Judge in all Causes Ecclesiastical and Civil. And so there is no Court, high or low, can act but in subordination to him; and though they do not all issue out their Writs in the King's Name, yet they can issue our none but by virtue of some

Power they have received from him.

Now every particular Court has fuch particular Power as the King has given it, and for that reason has its Bounds: But, the highest Court in which the King can possibly sit, that is, his supreme Court of Lords in Parliament, has in it all his judicial Power, and consequently no Bounds, I mean no Bounds of Jurisdiction; for the highest Court is to govern according to the Laws as well as the lowest.

'I suppose none will make a question, but that every Man and every Cause is to be tried according to Magna Charta; that is, by his Peers, or according to the Laws of the Land. And he that is tried by the Ecclesiastical Courts, the Court of Admiralty, or the high Court of Lords in Parliament, is tried as much by the Laws of the Land, as he that is tried by the King's-Bench, or Common-Pleas.

When these inserior Courts happen to wrangle among themselves, which they must often do by reason of their being bound up to particular Causes, and their having all equally and earnestly a Desire to try all Causes themselves, then the supreme Court is forced to hear their Complaints, because there is no other Way of deciding them. And this, under favour, is an original Cause of Courts though not of Men.

'Now, these original Causes of Courts, must also of necessity induce Men, for saving of charges, and dispatch sake, to bring their Causes originally before the Supreme Court. But then the Court is not obliged to receive them, but proceeds by Rules of Prudence, in either retaining or dismissing

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them as they think fit.

This is, under favour, the Sum of all that your Precedents can shew us, which is nothing but what we practise every day; that is, that very often, because we would not be molested with hearing too many particular Causes, we refer them back to other Courts; and all the Argument you can possibly draw from this, will not, in any kind, lessen our Power, but only show an Unwillingness we have to trouble ourselves often with Matters of this Nature.

Nor will this appear strange, if you consider the Conflintion of our House, it being made up partly of such whose Employments will not give them Leisure to attend the hearing of private Caules, and entirely of those that can receive Anno accur. II. no Profit by it.

And the truth is, the Dispute at present is not between the House of Lords and the House of Commons, but between us and Westminster-Hall. For as we defire to have few or no Causes brought before us, because we get nothing by them, fo they defire to have all Causes brought before them for a Reason a little of the contrary Nature.

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For this very Reason, it is their Business to invent new ways of drawing Causes to their Courts, which ought not to be pleaded there. As for Example, this very Cause of Skinner that is now before us (and I do not speak this by rote, for I have the Opinion of a reverend Judge in the Case, who informed us of it the other day in the House) they have no way of bringing this Cause into Westminster-Hall but by this Form; the Reason and Sense of which I leave you to judge of.

The Form is this, that, instead of speaking as we ordinary Men do that have no Art, that Mr. Skinner loft a Ship in the East-Indies; to bring this into their Courts, they must say, that Mr Skinner loft a Ship in the East-Indies, in the Parish

of Islington, in the County of Middlesex. Now some of us Lords, that did not understand the Refinedness of this Style, began to examine what the Reasons of this should be; and so we found, that, since they ought not by right to try fuch Causes, they are resolved to make bold, not only with our Privileges, but the very Sense and Language of the whole Nation.

This I thought fit to mention, only to let you see that this whole Cause, as well as many others, could not be try'd properly in any Place but at our Bar; except Mr. Skinner would have taken a fancy to try the Right of Jurisdictions between Westminster-Hall and the Court of Admiralty, instead of seeking Relief for the Injuries he had received, in the Place only where it was to be given him.

One thing I hear is much infifted upon, which is the Tryal without Juries; to which I could answer, that such Tryals are allowed of in the Chancery and other Courts, and that when there is Occasion for them we make use of Juries too, both by directing them in the King's-Bench, and having them brought up to our Bar.

But I shall only crave leave to put you in mind, that if you do not allow us in some Cases to try without Juries, you will then absolutely take away the Use of Impeachments, which I humbly conceive you will not think proper to have done at this Time.

In the Close of this Conference, the Lords declaring the Company's Petition to the other House scandalous, &c. this rais'd

The Votes of the House in opposition to

the Lords.

annous Car. II. rais'd fuch a Ferment there, as produc'd the following new Votes and Resolves; as, 1. 'That the Petition of the Bast-India-Company to this House, touching the Proceedings of the House of Lords, in the Case of Thomas Skinner, is not scandalous. 2. That the Delivery of the faid Petition of the East-India Company to the House, and the Entertainment thereof, and the Proceedings and Votes of this House thereupon, was no Breach of the Privilege or Encroachment upon the Jurisdiction of the House of Lords; but very proper and fit for this House, without Breach of the fair Correspondence, which ought to be between the two Houses. 3. That a Message be fent to the Lords to acquaint them, That this House doth take notice of the Delire of the Lords at the last Conference, For a good Union to be kept between both Houses: And it is the opinion of this House, that the best Expedient to preserve fuch an Union is, That all Proceedings be forborn upon the Sentence and Judgement of the Lords in the Cafe of Thomas Skinner against the East-India Company; and that Sir Andrew Riccard, Sir Samuel Barnardiston, Mr. Rowland Gwyn, and Mr. Christopher Boone be set at liberty; this House being unsatisfied with their Lordships Reasons offer'd at the last Conference. Last of all, after a long Debate, they refolv'd, 'That whofeever shall be aiding or affifting in putting in execution the Order or Sentence of the House of Lords, in the Case of Thomas Skinner against the East-India Company, shall be deem'd a Betrayer of the Rights and Liberties of the Commons of England, and an Infringer of the Privileges of this House. They had no fooner finish'd this Vote, which was on the

> Rod, sent for them to the House of Peers, where he pass'd these following public Bills: 1. An Act for raising Three Hundred and Ten Thousand Pounds, by an Imposition on Wines and other Liquors. 2. An additional Act against the Importation of Foreign Cattle. 2. An Act for proceeding to Judgment on Writs of Error brought in the Exchequer. 4. An Act for giving liberty to buy and export Leather, and Skins tanned or dreffed. 5. An Act for the

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8th Day of May, but the King, by the Usher of the Black-

better Payment of Monies received for the Use of the Crown. 6. An Act for the Increase and Preservation of Timber within the Forest of Dean. 7. An Act to regulate the Trade

of Silk-throwing. Having pass'd these, and some private Bills, his Majesty declar'd, 'That it was his pleasure, that the two Houses be adjourn'd till the 11th of August; that, if he could so order his Affairs, that they might forbear

their assembling at that time, when their being in the · Country would be so necessary for their private Occasions,

Acts paffed.

he would give timely Notice, that they might spare Atten- Anno 21 Car. IL

On the 10th Day of October the Parliament met, after a The Ninth Seflong Intermission and Recess of one Year, five Months, and sion of the Seten Days.

His Majesty, having ascended the Throne with the usual Solemnity and Order in the House of Lords, and being atrended by the House of Commons and their Speaker, deliver'd himself in this thort Speech:

' My Lords and Gentlemen,

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Am very glad to fee you here at this time; and I hope The Kine's Am very glad to see you here at this time; and I hope The King's this will be a happy Session: For I have had great Speech to both experience of your Affections and Loyalty to me, and am Houles. very confident of the Continuance of it. It is now almost a Year and a half fince your last Sitting: And tho' my Debts have press'd me much, yet I was unwilling to call for your Affistance till this Time: What you gave last, was wholly employ'd to the Navy, and that extraordinary Fleet for which it was intended. I defire that you would 'now take my Debts effectually into your Consideration. Something I have to propose to you of great Importance, concerning the uniting of England and Scotland, but it will require some length; and I have left that, and some other things, to the Lord-Keeper, to open them more fully to you.

Accordingly the Lord-Keeper Bridgeman made the following Speech: 'My Lords, and you the Knights, Citi- The Lordzens, and Burgeffes of the House of Commons, his Majesty Keeper Bridgein his most gracious Speech hath expressed his great Satis- man's Speech. faction in seeing you here at this time; and his Hopes of a happy Issue of this Meeting: To obtain which, nothing can induce more than a good Correspondency and Union among your felves. He hath reason to believe, that you all come with the same common Affections for the general Good, and therefore persuades himself, there will be no Difference between the two Houses; but, if there should be any such, he earnestly recommends it to you, that, by your Moderation and Wisdom, such Expedients may be found out, as may compose them, and that thereby no Delay or Obstruction be to your other Proceedings. His Majesty hath also desired you to take his Debts effectually into Confideration. I need not mention to you the Uneafiness of his Condition with that Burden, nor the Inconveniencies or Mischiefs which might fall out, if he should continue under it. It is not unknown to you, that his Majesty hath been a happy Infirument

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Anne ar Car. II. ffrument, by the Treaty at Aix, and by the Triple-Alliance. to procure Peace between the two Neighbouring Crowns: The fecuring of that Peace (wherein our own Peace is concern'd, and his Majesty's Reputation abroad) will also much depend upon your Kindness to him: And therefore he hopes you will confider of how great an importance it is at this time, that his Majesty be enabled to bear such a Part in the Affairs of Europe, as may contribute most to his own Honour, and the Safety, Benefit and Glory of this Nation.

> My Lords and Gentlemen, you may remember that, upon his Majesty's Recommendation, an Act was lately made for fettling Freedom and Intercourse of Trade between England and Scotland, which was occasion'd upon Complaints of new Duties impos'd in each Kingdom upon divers Commodities of the Growth, Production, or Manufacture of the other: According to this Act, Commissioners were appointed by his Majesty for both Kingdoms to treat upon that Affair; and they had feveral Meetings, which produc'd no Effect, unless it were a Conviction of the Difficulty, if not Impossibility of settling it in any other way than by a nearer and more compleat Union of the two Kingdoms. His Ma: jesty is fully persuaded that nothing can tend more to the Good and Security of both Nations, than fuch an Union; and finds that his Royal Grandfather King James, of bleffed Memory, went fo far on towards this good Work, that, by an Act of Parliament in the first Year of his Reign, Commissioners were authorized to treat and consult with Commissioners from Scotland concerning it. And in pur-fuance of their treating, in the fourth Year of his Reign, an Act was made for the Repeal of hostile Laws, and the Abolition of the Memory of Hostility between the two Nations: And after the End of that Session, about the seventh Year of his Reign, it was by the Judges of all the Courts at Westminster-Hall solemnly adjudg'd in the Case of the Post-Nati, That those who, after the Descent of the! Crown to King James, were born in Scotland, were no Aliens in England; and confequently were capable not only of Lands, but all other Immunities, as if they had been born here. By these Steps so great an Advance hath been made towards this Union, that his Majesty well hopes that what is yet wanting to the perfecting of it, may be now accomplish'd; the Continuance under the same Obedience and Subjection for near Threescore and seven Years, having begotten the same common Friends, and common Enemies to both Nations, and taken off a great Part of those Difficulties, which, at the first, stood in the way. And therefore his Majesty doth most heartily recommend it unto you, That Commissioners may be nominated to treat and confult with Commissioners from Scotland,

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land, concerning this Union. His Majesty hath given Di- Anno 21 Car. II. rections to the Earl of Lauderdale, his Commissioner for Scotland, to make the like Proposal to the Parliament which is now fitting there; and doubts not but, upon the Meeting of fuch Commissioners of both Kingdoms, those things will be offer'd to your Confiderations, in order to the Union, as shall tend to the Honour of his Majesty, and the common

Good of all his Subjects.

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Instead of taking these Speeches into Consideration, the Commons enquired into the Points of Privileges, with relation to the two Houses, and were strict in the Examination of the Accounts of the Monies expended by the Public: in the passing of which, they found Sir * George Carteret, Sir George Care who had the keeping of some of the Books, so blameable, teret expell'd. that they expell'd him the House. But being much oblig'd with the King's last Proclamation, they soon resolv'd, 'That the humble and hearty Thanks of this House be return'd to the King's Majesty for issuing out his Proclamation for putting in execution the Laws against Nonconformists, and for suppressing Conventicles, with the humble Defire of this House for his Majesty's Continuance of the same Care for suppressing of them for the future. The Concurrence of the Lords being defired, and readily obtain'd, on the 6th of November both Houses, in pursuance of this Vote, attended his Majesty in the Banqueting-House in White-hall, where the Lord-Chief-Justice Vaughan, supplying the Room of the Lord-Keeper then indispos'd, in the Name of both Houses return'd his Majesty the fore-mentioned Thanks: For which he return'd them this particular Answer, 'My Lords and Gentlemen, I thank you for this Mark of your Affection to me: I doubt not of the Continuance and Concurrence of it in other things, as well as in this of my Proclamation: I recommend to you, that you would well weigh all that I say and desire in it towards the Welfare and Peace of the Nation; in order to which, as I shall always be ready to contribute my utmost Endeavours, so I hope you will never be failing in yours to enable me to do it. After which the Commons appointed a Committee to enquire into the Behaviour of the Diffenters, who reported, 'That there were divers Conventicles and other feditious Meetings near the Parliament, where great Numbers of evil-affected Perions frequently meet; which they conceiv'd, was not only an Affront to the present Government, but also of imminent Danger to both Houses of Parliament, and the Peace of the Kingdom.' Upon which the whole House made this Declaration and Resolution, That they will adhere to his Majesty in the Maintenance of the Government of the Church and

^{*} Vice - Chamberlain.

Anno 21 Car. II. State, as it is now establish'd, against all Enemies whatsoever. Shortly after, Information was given to the House from Ge. neral Monk, 'Of the great Refort of dangerous and difaf-fected Persons to this Town, and of their Meetings and Endeavours to disturb the public Peace; and that he had, and would take care what he could to prevent their Attempts.' Upon which the Commons immediately refolv'd, 'That the Thanks of the House be return'd to the Lord-General, for his care in preserving the Peace of the Kingdom.' So that the fuppressing or restraining of Conventicles was now look'd upon not so much a matter of Religion, as of Necessity and

Safety to the Government.

Sir S. Bernardifton's Narrative to the House.

As to point of Privilege, the Commons, not having fatiffaction in the last Session, reviv'd the Debate of the Difference between the two Houses, as it stood upon the Case of the East-India Company, and Skinner the Merchant; and, understanding that Sir Samuel Bernardiston was a particular Sufferer by the Lords in this case, they examin'd him in the matter, who, at the Bar of the House, gave them this short Account: 'Mr. Speaker, as soon as the Commons, according to his Majesty's Command, had adjourn'd themselves on the 8th of May, 1668, I was presently call'd as a Delinquent upon my Knees to the Bar of the Lords House, and demanded, What I had to fay for my felf why the Judgment of that House should not pass upon me, for having a hand in, and being one of the Contrivers of a scandalous Libel against that House: To which my Reply was, That I knew not my felf to be concern'd in any scandalous Libel; but true it was, I did deliver a Petition to the House of Commons, in behalf of the East-India Company by their Order, being Deputy-Governour; and I did it out of no other defign, than to preserve the Company's Interest and Estate, according to my Oath and Duty of my Place. Then I was commanded to withdraw, and others were call'd in: Soon after some of the Lords came to me in their Lobby, and told me, the House was highly incens'd against me; that I should presently be call'd in again, and if I did not then fubmit my felf, and own my Fault, I must expect the Indignation of the House of Peers to fall upon me. And being call'd in again the second time, it was demanded, What further I had to fay for my felf, before Judgment should pass against me. When repeating my former Discourse, adding, That I had no defign to create any Difference between the two Houses, but to preserve the Company's Estate: yet if I had offended their Lordships, I humbly begg'd their pardon. Being then commanded to withdraw again, I was afterwards call'd in: And, being upon my Knees, Sentence was pronounc'd against me, to pay Three Hundred

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Pounds Fine to his Majesty, and to lie in Custody of the Anno 21 Car. II. Black-Rod till the Money was paid. And accordingly, Sir John Eyton, Usher of the Black-Rod, kept me in his Custody rill the 10th of August following, when, at nine at Night, he came to me and faid, Sir Samuel, I am come to discharge you from your Imprisonment, and you may go when, and where you please. I then demanded how this unexpected Releasement came to pass, and to whom I was beholden for the same. He reply'd, You are discharg'd upon honourable Terms, but pray ask me no Questions, for I must make you no Answer: Yet if I see you to-morrow, after the House is adjourn'd, I will tell you more; there is a Mystery, but I

have fufficient Authority for what I do.

Upon hearing of this, the House fell into a warm Debate about some Expedients for settling the Difference in point of Privilege and Jurisdiction of the two Houses, which cou'd not be ended that Night; and after that they resolved to This appear'd to be a Matbring in a Bill for that purpose. ter of too great Nicety and Difficulty to be effected in a short time. However, after Conferences with the House of Lords, they came to these five grand Resolutions. I. That it is The Commons an inherent Right of every Commoner of England to pre Refolves upon pare and present Peritions to the House of Commons in Case it. of Grievance, and the House of Commons to receive the same: In evidence whereof, it is one of the first Worksthat is done by the Commons, to appoint a grand Committee to receive Petitions and Informations of Grievances. II. That it is the undoubted Right and Privilege of the Commons to judge and determine concerning the Nature and Matter of fuch Petitions, how far they are fit or unfit to be receiv'd; and that in no Age they found any Person presenting a Grievance by way of Petition to the House of Commons, and received by them, that was ever censur'd by the Lords, without Complaint by the Commons. III. That no Court whatfoever hath Power to judge or censure any Petition prefented to the House of Commons, and received by them, unless transmitted from thence, or the Matter complained of by them: And that no Suitors for Justice in any inferi-or Court in Law or Equity, are therefore punishable Criminally, tho' untrue, or fuable by way of Action in any other Court; but are only subject to a moderate Fine or Amercement by that Court, unless in some Cases specially provided by Act of Parliament, as Appeals, or the like. In case Men should be punishable in other Courts for presenting Petitions to the House of Commons, it may deter his Majesty's Subjects from seeking Redress of their Grievances, and frustrate the principal End for which Parliaments were ordain'd.

Anno 21 Car. II. ordain'd. IV. Whereas a Petition from the East-India Company was presented to the House by Sir Samuel Bernardiston and others, complaining of Grievances therein, which the Lords have cenfured under the Notion of a Scandalous Paper or Libel: The faid Censure, and Proceeding of the Lords against the said Sir Samuel Bernardiston, are contrary to, and a Subversion of the Rights and Privileges of the House of Commons, and Liberties of the Commons of England; and further, no Petition, or any Matter depending in the House of Commons, can be taken notice of by the Lords, without Breach of Privilege, unless permitted by the House of Commons. V. That the Continuance upon Record of the Judgment given by the Lords, and complain'd of by the Commons, in the last Session of this Parliament, in the Case of Thomas Skinner and the East-India Company, is prejudicial to the Rights of the Commons of England. In conclusion they added this further Allegation, ' That the House of Peers, as well as all other Courts, are in all their Judicial Proceedings to be guided and governed by Law: But if they shall give a wrongful Sentence contrary to Law, and the Party griev'd might not seek Redress thereof in full Parliament, and for that End repair to the House of Commons, (who are Part of the Legislative Power) That either they may interpose with their Lordships for the Reversal of such Sentence, or prepare a Bill for that purpose, and for the preventing the like Grievances for the Time to come; the Confequence thereof wou'd plainly be, That their Lordships Judicature is boundless and above Law, and that the Party grieved shall be without Remedy.' Therefore, as a present Remedy, they resolved upon these two following Propositions to be presented to their Lordships: 'First, That the Lords be defired to vacate the Judgment against Sir Samuel Bernardiston, given the last Session of this present Parliament. Secondly, That the Lords be also desired to vacate the Judgment against the East-India Company, given by them the last Session of this Parliament.

The End of the Ninth Seffion of the Second Parliament.

On the 11th Day of December, the King, by Commission fuddenly put a ftop to all Proceedings, by proroguing both Houses to the 14th Day of February next. Thus ended the ninth Selfion, or rather tenth, without passing one Act; tho' a Supply of four hundred thousand Pounds, had been Voted for his Majesty's Special Occasions.

The Tenth Seffion of the Second Parliament.

On the 14th Day of February, the Parliament met again after a short Recess of not above two Months, and three Days; when his Majesty, having been attended to the House with the additional Pomp of his new Guards, made the following Speech from the Throne.

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' My Lords and Gentlemen,

Sent forth my Proclamation that there might be a good Appearance at this Meeting, having most Confidence The King's in Full Houses, where the Well-being of the Church, and Houses. all other Interests of the Crown and Nation are best secured. When we last mer, I asked you a Supply, and I ask it ' now again with greater Instance; the Uneafiness and Straitness of my Affairs cannot continue without very ill Effects to the whole Kingdom: Confider this feriously and speedily; it is yours and the Kingdom's Interest as well-as ' mine; and the ill Consequence of a Want of an effectual Supply must not lie at my door. And that no Misapprehenfions or Mistakes touching the Expences of the last War may remain with you, I think fit to let you know, That I have fully inform'd myself in that Matter, and do affirm to you, that no part of those Moneys that you gave to me, have been diverted to other Uses; but on the contrary, besides all those Supplies, a very great Sum hath been raised out of my standing Revenue and Credit, and 'a very great Debt contracted, and all for the War. One thing I must earnestly recommend to the Prudence of both ' Houses, That you will not suffer any Occasion of difference between your felves to be reviv'd; fince nothing but the 'Unity of your Minds and Counsels can make this Meeting happy either to me or to the Nation. I did recommend ' to you, at our last Meeting, the Union of the two Kingdoms; ' and I did the same to my Parliament in Scotland; they have made a great Step towards it; and I do again ferioufly ' recommend that Matter to you. I have directed my Lord 'Keeper to speak more at large to you.'

Accordingly the Lord Keeper Bridgeman spoke as follows. 'My Lords, and you Knights, Citizens, and Burgeffes of the House of Commons, At your last Meeting, his Majesty The Lora did acquaint you with the great Occasions he had for a Supply, and that he had forborn to ask it fooner, more in Confideration of giving some Time, for the Ease of the People after the Burden of the War, than that the Condition of his Affairs cou'd fo long have wanted it: And his Majesty hath commanded me now to speak more fully and plainly upon this Subject. His Majesty hath not only by his Ministers, but in his own Royal Person examin'd the Accounts, touching the Expences of the last War, and hath thought himself concern'd to let you know, that all the Supplies which you gave him for the War, have been by him apply'd to the War, and no Part of them to any other Uses: Nay, to far from it, that if the Preparations towards the War shall

Anno 21 Car. II. 1669-70.

Speech to both

Anno 21 Car. II. be taken to be for the Use of the War, as they must be; a great Part of his own Revenue, to many hundred thousands of Pounds, hath been employ'd also, and swallow'd up in the Charge of the War, and what did necessarily relate to it. To which may be added the great Debts contracted by his Majesty in the War, and the great Charges in the Repairs of the Hulls of his Ships, and putting his Navy into such a Condition as it was before. Besides, his Majesty thinks it ought to be consider'd, that when the Charges of the War were at the highest, the inevitable Effects of it, and those other Calamities, which it pleas'd God at that time to bring upon us, did make so great a Diminution of his Revenues, that, besides all other Accidents and Disadvantages, the Loss that he fuftain'd in Three Branches of his Revenue, in his Customs, Excise, and Hearth-Money, by reason of the War, the Plague, and the Fire, did amount to little less than to fix hundred thousand Pounds. Thus you see, that tho your Supplies have been great, yet the Charges occafion'd by the War, and the Calamities which accompany'd it, have been greater: And that the Debt which is left upon his Majesty, and which he complains of, hath been contracted by the War, and not by the Diversion of the Monies design'd for it.

> ' His Majesty hath commanded me to say one Thing more to you upon this Subject, That he did not enter into the War upon any private Inclination or Appetite of his own. The first step he made towards it, did arise from your Advice, and the Promises of your Assistance: But if the Charges and Accidents of the War have outgone all your Supplies, and left him under the Burden of this Debt, he thinks that as well the Justice to your Promise, as the Duty and Loyalty you have always shew'd him, will oblige you to relieve him from it; and the rather, when you shall seriously consider, how uneasy this Burden must be to him, and what ill Confequences the Continuance under it must draw upon all his Affairs; in which Particular, you, and every Person you represent in this Nation, will be concern'd, as well as himself. His Majesty doth therefore command me in his Name, to defire you once more, and to conjure you, by that constant Duty and Loyalty which you have always express'd to him, and by all the Concernment you have for the Support of the Honour and Safety of his Government, to provide such a Supply for him at this Time, as may bear Proportion to the pressing Occasions that he hath, and to the State of his Affairs at home and abroad; and so speedily and so effectually, as may answer the Ends for which he hath desired it. His Majesty hath farther commanded me to put you in mind of

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what was at your last Meeting propos'd to you, concerning Anno 22 Car. II. an Union between the two Kingdoms, and to let you know, that the Parliament of Scotland hath fince declar'd to his Majesty, That such Commissioners as his Majesty shall name, shall be authoriz'd on their Part, to treat with Commissioners for this Kingdom, upon the Grounds and Conditions of the His Majesty therefore thought fit now again to recommend it to you, to take that Matter effectually into your Confideration.

During this short Session of Parliament, which lasted but a little above seven Weeks, four Things were chiefly in Debate and Agitation, namely, the unhappy Difference between the two Houses, the Prosecution of the Dissenters, the Union of the two Kingdoms, and the Supplies for his Majefly's Service. The first being reviv'd to such a Degree as might hazard the Success of the last, the King himself thought fit to interpose, and to make a Proposition of an Expedient; which, after eight Days fitting, he did to both Houses summon'd to Whitehall, in this following short Speech:

' My Lords and Gentlemen,

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Did very earnestly recommend to you the other day, The King's I That you wou'd not suffer any Differences between Proposals to both 'yourselves to be reviv'd; and I think it of so great Impor. Houses, in the tance, that I have fent for you again upon the fame Sub-affair of Skinfirst sent by me to the Lords. I have therefore thought myfelf concern'd to offer to you what I judge the best and safest way to put an end to the Differences: I will myself give present Order to raze all Records and Entries of this Matter in the Council Books, and in the Exchequer, and to defire you to do the like in both Houses, that no Memory may remain of this Dispute between you; and then I hope all future Apprehensions will be secured.

1669-70.

This had fuch an Effect upon the House of Commons, who thought themselves the only Persons aggriev'd, that they immediately resolv'd, 'That in obedience to his Majesty's It is accepted of. Command in his Speech, a Razure or Vacate be made in the Journal of the House of all the Matters therein contain'd, relating to the Business of the East-India Company and Skin-Which was not only done, but they further Refolv'd, That the Humble Thanks of this House be return'd to his Majesty, in the Name of this House, and of all the Commons of England, for his Majesty's gracious Speech, and Favour therein express'd to this House, and the Commons of England.

Anno 22 Car.II. 1669-70.

Refolutions against Diffen-

This Point thus obtain'd, and several Informations having been prefer'd to the House against the Meetings of Dissenters, especially one in the West, where it was said treasonable Words were spoke; they resolved, 'That the Thanks of this House be return'd to his Majesty, for his Care in giving Order to bring the Offenders to Justice; And that his Majesty would be pleas'd to consider the Danger of Conventicles in and near London and Westminster, from the Nature of those further Offenders, and to give Order for the fpeedy suppressing them: And likewise, that his Majesty wou'd give Order to put the Laws in execution against Popish Recusants; and that leave be given to bring in a Bill for the more easy and speedy Conviction of Popish Recufants. In this Vote the Lords unanimously join'd; and accordingly, on the 11th of March, they attended the King in the Banquetting-House with the said Vote and Desire, who was pleas'd to declare, That effectual Course shou'd be taken in both Cases.

Several Acts paffed.

After this they proceeded with great Expedition, and feveral Bills being got ready, on the 11th of April, his Ma-jefty came to the House of Peers, and pass'd these following 1. An Act for granting his Majesty an Imposition Bills. upon all Wines and Vinegar imported between June 1670, and June 1678. 2. An Act for taking away the Benefit of the Clergy from such as steal Cloth from Racks, and such as shall steal or imbezzle his Majesty's Ammunition and Stores.
3. An Act for Improvement of Tillage, and the Breed of Cattle. 4. An Act for ascertaining the Measures of Corn and Salt. 5. An Act for the Repairing the Haven and Peers of Great Yarmouth. 6. An additional Act for the better repairing of High-Ways and Bridges. 7. An Act for the Advancing the Sale of his Majesty's Fee-Farm Rents, and other Rents. 8. An Act to suppress and prevent seditious Conventicles. 9. An Act for fettling the Imposition upon 10. An Act for authorizing feveral Commissioners of the Realm of England, to treat with Commissioners of Scotland, for the Weal of both Kingdoms. 11. An additional Act for Rebuilding of the City of London, Uniting of Parishes, and Rebuilding of the Cathedral and Parochial Churches within the faid City. 12. An Act to enable his Majesty to make Leases, Grants, and Copies of Offices, Lands, Tenements and Hereditaments, Parcel of his Highness's Dutchy of Cornwall, or annex'd to the same. Upon palling these Acts, his Majesty declar'd that it was his Pleafure that the Parliament shou'd be only adjourn'd, and that The Parliament to the 24th Day of October; and thus the Tenth Session of this Parliament broke up, after it had fate a little above leven Weeks.

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Octob. 24. The Parliament met again, according to Anno 22 Car. II. Adjournment, when his Majesty, in a short Speech, refer'd 1670. all to his Lord-Keeper Bridgeman, who spoke as follows:

'My Lords, and you the Knights, Citizens, and Bur- The Lordgeffes of the House of Commons, When the two Houses Keeper's Speech were last adjourn'd, this Day, as you know, was prefix'd to both Houses. for our Meeting again; the Proclamation fince isfu'd, requiring all your Attendance at the fame Time, shewing not only his Majesty's Belief that his Business will thrive best when the Houses are fullest, but the importance also of the Affairs. for which you are so called; and Important they are. You cannot be ignorant of the great Forces, both for Land and Sea-Service, which our Neighbours of France and the Low-Countries have new raised, and have now in actual Pay, nor of the great Preparations they continue to make in Levying of Men, Building of Ships, filling their Magazines and Stores with immense Quantities of all forts of warlike Provisions. Since the Beginning of the last Dutch War, the French have increas'd the Greatness and Number of their Ships so much, that their Strength by Sea is thrice as much as it was And, fince the End of it, the Dutch have been very diligent also in augmenting their Fleets. In this Conjuncture, when our Neighbours arm to potently, even common Prudence requires that his Majesty should make some suitable Preparations; that he may at least keep pace with his Neighbours, if not out-go them in Number and Strength of Shipping. For this being an Island, both our Safety, our Trade, our Being, and our Well-being depend upon our Forces at Sea. His Majesty therefore, of his princely Care for the Good of his People, hath given order for the Fitting out fifty Sail of the greatest Ships, against the Spring, besides those which are to be for Security of our Merchants in the Mediterranean; as foreseeing, if he should not have a confiderable Fleet, while his Neighbours have fuch Forces both at Land and Sea, Temptation might be given to those who seem not now to intend it, to give us an Affront, at least, if not to do us Mischief. To which may be added, That his Majesty, by the Leagues he hath made for the common Peace of Christendom, and the Good of his Kingdoms, is oblig'd to a certain Number of Forces, in case of Infraction thereof: as also for the Assistance of some of his Neighbours, in case of Invasion. And his Majesty would be in a very ill Condition to perform his Part of the Leagues, if (while the Clouds are gathering fo thick about us) he should, in hopes that the Wind would disperse them, omit to provide against the Storm.

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Anno 22 Car. II. 1670.

3.

' My Lords and Gentlemen, Having nam'd the Leagues made by his Majesty, I think it necessary to put you in mind, That, fince the Close of the late War, his Majesty hath made several Leagues, to his own Honour, and infinite Advantage to the Nation: One, known by the Name of the Triple Alliance, wherein is Majesty, the Crown of Sweden, and the States of the United Provinces, are engag'd to preserve the Treaty of Aix-la-Chapelle, concerning a Peace between the two warring Princes; which Peace produc'd that Effect, That it quench'd the Fire which was ready to have fet all Christendom in a Flame; and besides other great Benefits by it, which she still enjoys, gave Opportunity to transmit those Forces against the Infidels, which would otherwise have been imbrued in Christian Blood. Another, between his Majesty and the faid States for a mutual Affiftance with a certain Number of Men and Ships, in case of Invasion by any others, Another, between his Majesty and the Duke of Savoy, establishing a free Trade for his Majesty's Subjects at Villa Franca, a Port of his own upon the Mediterranean, and through the Dominions of that Prince, and thereby opening a Passage to a rich Part of Italy, and a Part of Germany, which will be of a very great Advantage for the Vending of Cloth, and other our home Commodities, bringing back Silk, and other Materials for Manufactures here. Another, between his Majesty and the King of Denmark, whereby those other Impositions that were lately laid upon our Trade there, are taken off, and as great Privileges granted to our Merchants, as ever they had in former Times, or as the Subjects of any other Prince or State do now enjoy. Another, upon a Treaty of Commerce with Spain, whereby there is not only a Cession and giving up to his Majesty of all their Pretensions to Jamaica, and other Islands and Countries in the West-Indies, in the Possession of his Majesty or his Subjects, but withal, free Liberty is given to his Majesty's Subjects to enter their Ports for Victuals and Water, and Safety of Harbour, and Return, if Storm or other Accidents bring them thither; Privileges which were never before granted by them to the English or any others. Not to mention the Leagues formerly made with Sweden and Portugal, and the Advantages which we enjoy thereby; nor those Freaties now depending between his Majesty and France, or his Majesty and the States of the United Provinces touching Commerce; wherein his Majesty will have a singular Regard to the Honour of this Nation, and also to the Trade of it, which never was greater than now it is. In a word, almost all the Princes of Europe do seek his Majesty's Friendship, as acknowledgacknowledging they cannot fecure, much less improve their Anno 22 Car. II.

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"My Lords and Gentlemen, His Majesty is consident that you will not be contented to fee him depriv'd of all the Advantages which he might procure hereby to his own Kingdoms, nay, even to all Christendom, in the Repole and Quiet of it. That you will not be content alone to fee your Neighbours strengthening themselves in Shipping, so much more than they were before, and at home to see the Government struggling every Year with Disticulties; and not able to keep up our Navies equal with theirs. He finds, that by his Accounts from the Year 1660, to the late War, the ordinary Charge of the Fleet, communibus Annis, came to about five hundred thousand Pounds a Year, and it cannot be supported with less. If that Particular alone takes up so much, add to it the other constant Charges of the Government, and the Revenue (although the Commissioners of the Treasury have manag'd it with all imaginable Thrift) will in no degree suffice to take off the Debts due upon Interest, much less give him a Fund for the setting out of this Fleet, which, by common Estimation thereof, cannot coff less than eight hundred thousand Pounds. His Majesty in his most gracious Speech hath express'd the great Sense he harn of your Zeal and Affection for him, and as he will ever retain a grateful Memory of your former Readiness to supply him in all Exigencies, so he doth with particular Thanks acknowledge your frank and chearful Gift of the new Duty upon Wines, at your last Meeting: But the same is likely to fall very short in Value of what it was conceiv'd to be worth; and should it have answer'd Expectation, yet far too short to ease and help him upon these Oc-And therefore fuch a Supply as may enable him to take off his Debts upon Interest, and to set out this Fleet against the Spring, is that which he desires from you, and recommends it to you, as that which concerns the Honour and Support of the Government, and the Welfare and Safety of yourselves, and the whole Kingdom. Now, my Lords and Gentlemen, you may perceive by what his Maeffy hath already faid, that he holds it requifite that an End be put to this Meeting before Christmas. It is so, not only in reference to the Preparation for the Fleet, which must be in Readiness in the Spring, but also to the Season of the Year. It is a Time when you would be willing to be in your Countries, and your Neighbours would be glad to see you there, and partake of your Hospitality and Charity; and you thereby indear yourselves to them, and keep up that Interest and Power among them, which is necessary for the Service of your King and Country: And a Recess

1670.

Anno 22 Car. H. at that Time, leaving your Busine's unfinish'd till your Return, cannot either be convenient for you, or fuitable to the Condition of his Majesty's Affairs, which requires your

speedy as well as affectionate Consideration."

Several Money Bills in Agita-

This Speech produced a Vote from the House, 'That his Majesty should be supply'd proportionably to his present Occations.' Accordingly they went upon Ways and Means of all Sorts, and in a short time began to form three several Money Bills; the First was for raising eight hundred thousand Pounds by way of Subfidies upon Real and personal Estates: The Second was an additional Excise upon Beer, Ale, &c. for fix Years; and the last was for laying Impositions on Proceedings at Law, which was to continue nine Years. While these things were in agitation, Sir Samuel Sterling the late Lord Mayor, Sir Joseph Sheldon, Sir Andrew King, and others of the Lieutenancy, having committed Mr. Hayes, and Mr. Jekell, for attempting to bribe the Magistrates in Case of the Act against Conventicles; the Matter was brought before the House of Commons, and being debated, it was thus Refolv'd; 'That this House doth give Approbation to what was done by the late Lord-Mayor, Sir Samuel Sterling, and the Lieutenancy of London, in committing Mr. Hayes and Mr. Jekell; and that it was done in order to the Preservation of the King, and Peace of the Kingdom. Notwithstanding this Vote, Mr. Jekell soon after ventur'd to fue Sir Andrew King at Law; of which Information being given to the Commons, they fell into a heat, and Resolv'd, That Mr. Jekell be fent for in the Custody of the Serjeant at Arms, to answer his Contempt in prosecuting his Suit at Law against Sir Andrew King, after the Vote of this House, whereby it was declared, That the Commitment of the faid Mr. Jekell was in order to the Preservation of the King, and Peace of the Kingdom.' And further, they order'd Mr. Burton, Counsel for Mr. Jekell, and Mr. Ogden his Attorney, to be likewise sent for in Custody of the Serjeant at Arms, for their Contempt in moving and acting for Mr. Jekell, after the fore-mention'd Vote: But were afterwards on their Submission discharg'd.

The House adjourn'd. try's Nose cut.

The House afterwards adjourn'd for a Month, in which Interval, Sir John Coventry, a leading Member, had his Sir John Coven- Nose cut, as 'tis said, by order from Court, on this Occasion. In the Debate on the Supply, a Motion was made for laying a Tax on Play-houses, which was oppos'd by the Courtiers, who gave for a Reason, That the Players were the King's Servants, and a Part of his Pleasure. To this Sir John, by way of Reply, ask'd, If the King's Pleasure lay among the Men or Women Players? This Violence committed on a Member, as suppos'd, for what was spoken within doors,

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brought the House together in ill Humour, at the latter Anno 27 Car. II. End of January: And so far did they carry their Resentment, that they declin'd all other Affairs till they had pass'd a Bill against those who were the Authors or Actors of The Tenth the Villany. Accordingly they drew up a Bill, in which Session conthey made the Criminals incapable of any Pardon but by tinu'd. particular Act of Parliament, and made it Death for the future for any Man maliciously to disable or diffnember another, to put out an Eye, to cut off a Nose or Lip, &c. and concluded all with one peculiar Clause, 'That his Majesty's royal Assent to this Bill should not determine this Session of Parliament. This was afterwards commonly Coventry's Act call'd by the Name of Coventry's Act; which being fent up pas'd. to the Lords, his Majesty soon after, on the 14th of February, sent a Message by Mr. Secretary Trevor to acquaint them, 'That his Majesty was inform'd, that there had some Bills pass'd both Houses, and that there were others depending near their dispatch, which he desir'd them to hasten, especially those for his Supply: And lest they should not be ready for his Assent by the 22d of this Instant February, he had given Order for the Adjourning of the Selfion until the 10th of March next.

But notwithstanding this Message, they proceeded to other Matters as well as the Supplies, and in particular drew up the following remarkable Address against Popery, in which The Address of the Lords afterwards join'd: May it please your most Ex- both Houses cellent Majesty, We your Majesty's most humble and loyal against Popery. Subjects, the Lords and Commons in this present Parliament, being sensible of your Majesty's Constancy to the Protestant Religion, both at home and abroad, hold ourselves bound in Conscience and Duty to represent to your Majesty the Causes of the dangerous Growth of Popery in your Majesty's Dominions, the ill Consequence whereof we heartily desire may be prevented. And therefore what we humbly conceive to be some present Remedies for the said growing Mischiefs,

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rs. h Causes of the Growth of Popery.

we have hereunto added in our most humble Peritions:

'That there are great Numbers of Priests and Jesuits frequenting the Cities of London and Westminster, and most of the Counties of this Kingdom, more than formerly, feducing your Majesty's good Subjects. 2. That there are several Chapels and Places used for saying of Mass in the great Towns, and many other Parts of the Kingdom, besides those in Embassadors Houses, whither great Numbers of your Majesty's Subjects constantly resort and repair without Controll: And especially in the Cities of London and Westminster, contrary to the Laws Established. 3. That there are Fraternities or Convents of English Popish Priests and Tefuits

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Anno 23 Car. II. Jesuits at St James's, and at the Combe in Herefordshire, and other Parts of the Kingdom; besides, several Schools are kept in divers Parts of the Kingdom for the corrupt Educating of Youth in the Principles of Popery. 4. The common and public felling of popish Catechisms, and other seditious Books, even in the Time of Parliament. general Remissiness of the Magistrates and other Officers, Clerks of the Affize, and Clerks of the Peace, in not Convicting of Papists according to Law. 6. That suspected Reculants are free from all Offices chargeable and troublefome, and do enjoy the Advantage of Offices and Places beneficial; executed either by themselves, or Persons entrusted for them. 7. That the Advowsance of Churches, and Prefentations to Livings are dispos'd by Popish Recusants, or by others entrusted by them as they direct; whereby most of those Livings and Benefices are fill'd with scandalous and unfit Ministers 8. That many Persons take the Liberty to fend their Children beyond the Seas to be educated in the popish Religion; and that several young Persons are sent beyond the Seas, upon the Notion of their better Education. under Tutors and Guardians who are not put to take the Oaths of Allegiance and Supremacy, and usually corrupt the Youth under their Tuition, into Popery. 9. That there have been few Exchequer Processes isfu'd forth since the Act of Parliament against Popish Recusants Convict, tho' many have been certify'd thither. 10. The great Infolencies of Papists in Ireland (where do publicly, appear Archbishops and Bishops reputed to be made so by the Pope, in opposition to those made under his Majesty's Authority, according to the Religion establish'd in England and Ireland) and the open Exercise of Mass in Dublin, and other Parts of that Kingdom, is further a great Cause of the present Growth of Popery. That Peter Talbot, the Reputed Archbishop of Dublin, was publicly Consecrated to at Antwerp with great Solemnity; from whence he came to London, where he exercis'd his Function; and was all along in his Journey to Chester treated with the Character of his Grace by the Popish Recusants whom he visited: And at his landing at Dublin was receiv'd with very great Solemnity by those of the Popish Religion there, where also he exercis'd his Function publicly, great Multitudes then slocking to him, and still continue to do the same. His present Residence is within three Miles of Dublin, at his Brother's, Colonel Richard Talbot's, who is now here folliciting your Majetty as public Agent on the Behalf of the Irish Papills of that Kingdom.

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We the Lords and Commons affembled in this prefent Parliament, do in all Humility represent unto your facred Majesty in these our Petitions following: 1. That your Majesty by your Proclamation wou'd be most graciously pleas'd to Command, that all Popish Priests and Jesuits do depart this Realm, and all other your Majesty's Dominions, on or before a short Day to be prefix'd, at their Perils; except only fuch Foreigh Priests as attend her Majesty's Person by the Contract of Marriage, and Ambassadors, according to the Law of Nations: And that all Judges, &c. do cause the Laws now in force against Popish Recusants Convict, to be put in due Execution: And in the first place, for the speedy convicting such Popish Recusants, that all Judges and Justices aforesaid do strictly give the said Laws in Charge unto the Juries at all Affizes and Seffions, under the Penalty of incurring your Majesty's highest Displeasure. 2. That your Majesty wou'd be pleas'd to restrain and hinder the great Concourse of your Native Subjects from hearing of Mass, and other Exercises of the Romish Religion, in the Houses of Foreign Ambassadors or Agents, and in all other Chapels and Places of this Kingdom. 3. That your Majefly wou'd be pleas'd to take care, and cause, That no Office or Employment of public Authority, Trust, or Command in Civil or Military Affairs, be committed to, or continu'd in the Hands of any Person being a Popish Recusant, or justly reputed to be. 4. That your Majesty wou'd be pleas'd to take notice of all Fraternities or Convents of English, and other Popish Priests, Jesuits or Fryars, and Schools for the Educating of Youth in the Principles of Popery, erected within your Majesty's Dominions, and to cause the same to be abolish'd, and the said Priests, Jesuits, Fryars and School-masters to be duly punish'd for such their Insolencies. 5. That your Majesty wou'd be pleas'd from time to time to require and cause, that all the Officers of, or relating to the Exchequer, iffue forth Processes effectually against Popish Reculants Convict certify'd thither. And that such Officers as shall refuse or neglect to do their Duty, as aforesaid, be leverely punish'd for such their Failures. 6. That your Majesty wou'd be pleas'd to give Order for apprehending and bringing over into England one Pluncket, who goes under the Name of Primate of Ireland, and one Peter Talbot, who takes on him the Name of Archbishop of Dublin, to answer such Matters as shall be objected against them."

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'To these our most humble Petitions, proceeding from our Duty and Zeal for the Glory of God, and the Good of your Sacred Majesty, and from the Care incumbent on us 16709713

Almozy Car. II. for the Safety and Peace of these your Majesty's Kingdoms, we do in all Humility befeech your Majesty to vouchsafe a Gracious Answer: And we your Majesty's most loyal and obedient Subjects, the Lords and Commons in the prefent Parliament affembled, shall ever pray for your Majesty's long and happy Reign over us; and (as in Confcience we are oblig'd) shall constantly adhere to, and affist your Majesty in the Maintenance and Defence of your Majesty's Supremacy, and the true Protestant Religion now establish'd in your Majefty's Kingdoms, in opposition to all Foreign Powers,

and Popish Pretences whatsoever.

When this Address was sent up to the Lords, they took fome time to confider of it, as not being well fatisfy'd with the Certainty of some Matters of Fact therein mention'd, as particularly the Chapels, Fraternities and Convents, and the Advancement of Peter Talbor; but, having afterwards in a Conference receiv'd Satisfaction, they join'd with the Commons, and together with them prefented the Address to the King at the Banqueting-House in Whitehall. His Majefty made this most gracious Answer to them; ' My Lords and Gentlemen, I will take care of all these Things; I will cause a Proclamation to be isfu'd out against the Priests;

' I will cause the Judges, and all other Officers to put the

Laws against Papists in execution, and all other things that

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> may conduce to the Prevention of the Growth of Popery. But I suppose no Man will wonder, if I make a difference between those that have newly chang'd their Religion, and those that were bred up in that Religion, and ' ferv'd my Father and me taithfully in the late Wars.' The Houses return'd their Thanks for this Answer, and the King accordingly isfu'd out his Proclamation, which began after the Manner that most of his Proglamations did upon this Occasion. The Substance was, Whereas the Lords

> and Commons in Parliament affembled, have by their Petition presented to his Majesty their Fears and Apprehenfions of the Growth of Popery, together with the Causes

> thereof, and also such Remedies as they conceive most proper to prevent fuch Mischiefs: Which Petition his Majesty having feriously consider'd, and with much Con-

> tentment approving the great care of the faid Lords and Commons, for the Preservation of the true Religion established; to which his Majesty declares, as he hath always adhered against all Temptations whatsoever, so he will still

employ his utmost Care and Zeal in the Maintenance and Defence of it. And therefore strictly commands all Jestits

and Romish Priests to depart out of England before the first of May, upon pain of having the Penalties of the

Laws of this Realm inflicted upon them And his Ma-' jesty commands all Judges, &c. forthwith to put the Law

His Proclamation against Papifts.

Laws in Execution against all Popish Recusants, and such Anno 23 Car-II' as are suspected to be so, in order to their speedy Conviction, and due Process upon such Convictions. And because there may be some Priests imprison'd in this Realm, unknown to his Majesty; all Sheriffs, &e. are within twenty Days to advertise some of the Lords of the Privy-Council of their Names, and for what Cause they were committed, to the end Orders may be given for their

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After this the House proceeded with all Vigour upon the King's Supplies, the Sublidy-Bill, the Excile-Bill, and the Law-Bill; to which Three they afterwards added a Fourth Bill for Impolitions on foreign Commodities: But this Prodigality in giving, receiv'd a Check in the House of Lords, by the celebrated Speech of the Lord Lucas (afterwards burnt by the Common Hangman,) which had fuch an Effect, that the Lords added feveral Provisos to the Sublidy-Bill: But the Commons refuling to allow them, a Conference enfued between the two Houses, in which they gave their Reasons as follow. 'First, the Privilege demanded was against the King, and against the Execution for The Commons his Supply, which ought not to be clogg'd with any un-Reasons against necessary Circumstances; it being itself a Non omittas propter it. aliguam Libertatem. Secondly, the Privilege demanded is not due to their Lordships in point of Right, nor can it be infifted upon in point of Honour: 1. Because there is as much Reverence paid to their Lordships Privileges in this Bill, as ever was paid in a Bill of Supply; there being a Proviso, That the Taxes, to be collected for the Personal Estates and the Offices of the Peers, shall be collected by a Collector of their own. 2. The Amendments agreed to: 'That nothing therein contain'd shall be drawn into Example to the Privilege of the Ancient Rights belonging to the Peers: So no Danger of any Ancient Right. 3. There Lordships are the best Judges of their own Honour; but in the Bill for the Royal Aid, there is the fame Clause as in this Bill, yet their Lordships did not then think fit to add such a Qualification to that Clause. 4. It is true the Commissioners were named in that Act: but that can make no Difference in the Case, unless their Lordships be afraid where the Nomination is trusted to the King. 5. It wou'd be a Dishonour to your Lordships to have this Clause stand in the Bill: For it doth not concern the Tax upon Personal Estates or Offices, but supposes a Lord tax'd for his Land, and not a Hoof left upon the Land to diffrain; and that, after all this, a Lord barricadoes up his House to result a Distress: is it fit to suppose such a Case, or should it be treated with Ceremony when it happens? 6. If the Lord be return'd into the Exchequer, the meanest TOME I.

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Anno 23 Car. 11. Bailiff of the Sheriff may break open the House of a Peer without more Ceremony; why should a Commissioner be appointed in this Case, unless all Exchequer-Process be intended to be debarr'd by this Clause too? 7. No Distress can be upon a Peer without a Warrant under the Hands of two Committioners; which is Caution enough. 8. The Lords have no Privilege above the Commons as to Execution against their Estates; And, therefore, we hope this Occasion shall not be taken to create Precedents for new Privileges in Payment of Money. 9. It wou'd discourage Persons from being Commissioners, if they must be Officers to attend the Distress, and no Man will be willing to ferve. 10. The Act of Printing leaveth the Lords and Commons, as to the Privileges of Houses; and no Bill of Money did ever diftinguish them. 11. The whole Duty may be avoided; for, in truth, there lies no Obligation upon any Commissioner to go with any Officer, and so the Matter may be wholly neglected. 12. If a Distress be wrongful, why should a Lord have a better Man to bring his Action against, than a Commoner; and who will ever go to subject himself to the Action of a Peer,

if he be displeas'd with the Distres?'

Some Acts país'd.

However convincing these Reasons were, their Lordships acquiesc'd; so that this and other Bills being ready, on the 16th of March, the King came to the House of Peers, and pass'd these following public Bills: 1. An Act for granting a Subfidy to his Majesty for Supply of his Extraordinary ()ecasions. 2. An Act for an Additional Excise on Beer, Ale, and other Liquors. 3. An Act for Regulating the making of Kidderminster Stuffs. 4. An Act to prevent the malicious Burning of Houses, Stacks of Corn and Hay, Killing and Maiming of Cattle. 5. An Act to prevent malicious Maiming and Wounding. 6. An Act for Revesting the Power of granting Wine Licences in his Majesty's Heirs and Succeffors, and for fettling a Revenue on his Royal Highness in lieu thereof; which amounted to twenty four thousand Pounds a Year. 7. An Act for Continuance of a former Act, entitled, An Act to prevent Delays in extending Statutes, Judgment and Recognizances 8. An Act for continuing of a former Act, to prevent Arrests of Judgments, and Superseding Executions.

The great Controversy between the Lords and Commons concerning Money-

Bills.

But the Disputes between the two Houses did not end here. Two more Money-Bills remain'd to be pass'd, the one for Impositions on Proceedings at Law, and the other, for an anditional Imposition on several foreign Commodities: Which the Merchants effeeming a Grievance, they petition'd the Houle of Lords for Relief, who thought their Reasons of such Weight, that they demanded a Conference with the Commons upon the Case in dispute; and this being comply'd

with, a Committee from both Houses were appointed, who Anno 23 Car, II. met for the first time on April 19. The Earl of Anglesea was Speaker for the Lords, and Sir Heneage Finch, Attorney-General, for the Commons. The particulars of the Conference were as follows.

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This Conference was defired by their Lordinips, upon the Second Confefubect matter of their last Conference, concerning the Bill rence between both Houses, for Impositions on Merchandize, &c. wherein the Com- April 19. 1671, mons communicated it to the Lords as their Resolution, that on the Bill for there is a fundamental Right in that House alone in Bills of Impositions on Rates and Impositions on Merchandize, as to the Matter, Merchandize. the Measure, and the Time.

And the their Lordships have neither Reason nor Precedent offered by the Commons, to back that Resolution, but were told, that this was a Right fo fundamentally fettled in the Commons, that they could not give Reasons for it; for that would be a weakening of the Commons Right and Privilege: yet the Lords in Parliament, upon full confideration thereof and of that whole Conference, are come to this Resolution, Nemine contradicente,

That the Power exercised in the House of Peers, in making the Amendments and Abatements in the Bill entitled, An Act for an additional Imposition on several foreign Commodifies, and for Encouragement of several Commodifies and Manufactures of this Kingdom, both as to Matter, Measure, and Time, concerning the Rates and Impositions on Merchandize, is a fundamental, inherent and undoubted Right of the House of Peers, from which they cannot depart.

Reasons of the Peers.

I. The great happiness of the Government of this Kingdom, is, that nothing can be done in order to the Legitlature, but what is considered by both Houses, before the King's fanction be given unto it; and the greatest Security to all the Subjects of this Kingdom, is, that the Houses, by their constitution, do not only give Assistance, but are mutual Checks to each other.

II. Confult the Writs of Summons to Parliament, and you will find, that the Lords are not excluded from the great and arduous Affairs of the Kingdom; and the Commons of England are but called to treat and give their counsel upon them all, without exception.

III. We find no footsteps in Record or History, for this new Claim of the House of Commons; we would see that Charter or Contract produced, by which the Lords divested themselves of this Right, and appropriated it to the Commons, with an exclusion of themselves: till then, we cannot consent to shake or remove Foundations, in laying whereof it will

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Anno 23 Car. II. not be denied, that the Lords and Grandees of the Kingdom had the greatest Hand.

IV. If this Right should be denied, the Lords have not a Negative Voice allowed them in Bills of this nature; for if the Lords, who have the Power of Treating, Advising, giving Counsel, and applying Remedies, cannot mend, abate, or refuse a Bill in part, by what Consequence of Reason can they enjoy a Liberty to reject the whole? When the Commons shall think fit to question it, they may pretend the same grounds for it.

V. In any case of Judicature, which is undoubtedly, and indisputably, the peculiar Right and Privilege of the House of Lords, if their Lordships send down a Bill to the Commons, for giving Judgment in a legislative way, they allow and acknowledge the same Right in the Commons, to amend, change and alter such Bills, as the Lords have exercised in this Bill of Impositions, sent up by the Commons.

VI. By this new Maxim of the House of Commons a hard and ignoble choice is left to the Lords either to refuse the Crown Supplies, when they are most necessary, or to consent to ways and proportions of Aid, which neither their own Judgment, or Interest, nor the Good of the Government and People, can admit

VII If a positive Assertion can introduce a Right, what security have the Lords, that the House of Commons shall not in other Bills (pretended to be for the general good of the Commons, whereof they will conceive themselves to be the sittest Judges,) claim the same peculiar Privilege, in exclusion of any deliberation, or alteration of the Lords, when they shall judge it necessary or expedient?

VIII. And whereas you fay, this is the only poor thing which you can value yourselves upon to the King; their Lordships have commanded us to tell you, that they desire rather to increase, than any way diminish the Value and Esteem of the House of Commons, not only with his Majesty, but with the whole Kingdom; but they cannot give way that it should be raised by the undervaluing the House of Peers, and an Endeavour to render that House unuseful to the King and Kingdom, by denying unto it those just Powers which the Constitution of this Government, and the Laws of the Land, have lodged in it for the service and benefit of both.

IX. You d'd, at the Conference, tell us, that we did agree to a Book of Rates, without fo much as feeing it, and that never a Book of Rates was read in the Lords House, and that the said Book of Rates was figned by Mr. Harbottle Grimstone, then Speaker of the House of Commons, and not sent up, lest the Lords Speaker might sign it too.

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As for the Book of Rates, instanced by the House of Anno23 Car.II Commons, it was made in a way different from all former Books of Rates, and by an Assembly called without the King's Writ; and which wanted to much the Authority of Parliament, that the Act they made was no Act, till confirmed by this Parliament: tho' the work which happily succeeded in their Hands, for restoration of the ancient Government of this Kingdom, will ever be mentioned to their Honour; yet no measure for Parliamentary Proceedings is to be taken from this one Instance, to the prejudice of the Right of the Crown in making Books of Rates, and of the Lords, in having their due Consideration thereof, when they shall be enacted in Parliament; which was fo far from being according to former Usage, that the Lords considering the necessity and condition of that Time, and there being no Complaint, paffed that Bill upon three readings in one Day, without fo much as a Committee, little imagining the forwardness of their Zeal to the King's Service in fuch Times, would have created an Argument in the future against their Power. And if the Lords did never read Books of Rates in their House, it is as true that the House of Commons do not pretend, nor did shew that ever any was read there but this.

Tho' where a Right is so clear, and Reasons so irrefragable, it is not to be required of those who are possessed of the Right to give Precedents to confirm it, but those who dispute the Right ought to shew Precedents or Judgments to the contrary, not pass it (sub silentia) upon the Point controverted: yet the Lords have commanded us to offer, and

leave with you these following Precedents.

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1. By Records both ancient and modern, it doth appear, that the Lords and Commons have confulted together, and confer'd one with another on the Subject of a Supply to the King, and of the Manner how the same may be levied As, 14 Edw. 3. N. 5. Apres grand trete et pleance entre les Grantz et les ditz Chevaliers et autres des Communes Esteans en dit Parl. est accorde et assentu per tous les Grantz et Communes, &c. That they grant to the King the 9th of Corn and Wool, 29 Edw. 3. N. 11. 51 Ed. 2. N. 18. Certain there named, from time to time, to confer with the Commons, for their better help in confulring for the Raifing of Money, and this sometimes by the King's Command, as 22 Ed. 3. N. 3. Sometimes by Motion and Appointment of the Lords; as 5 Ed. 3. N. 8. And in the Case of the great Contract for Tenures and Purveyances, 7 Jac. 14. of Febr. 1609. Sometimes by the Defire of the Commons; As 47 Ed. 3. N. and 4 R. 2. N. 10, 11, 12, 13, 14, 15. Upon a great Sum demanded for the King, the Commons come to the Lords, and defire a Moderation of the Sum, and their Consideration how it should

Anno 23 Car. II. be levied; and hereupon was granted by Lords and Commons 12 l. of every Man, &c. It is observable that Nov. 13, it was faid, the Lords fent for the Commons several Times before them, and proposed to them the Manner of levying the Money, and afterwards it was given: And again, 6 Rich. H. N. 14. And in the Cafe of the great Contract before-mentioned, 7 Jac. 18. June, 1610. the Commons, at a Conference, defire to know what Project their Lordships will propound for levying that which shall be given, other than upon Land. And afterwards, in another Conference, by the Commons answer was made to the Lords Proposal, Agreed, that the Manner of levying it may be in the most easeful and contentful Way that, by both Houses, can be devised. See the whole Proceedings of the intended Contract, which do, in feveral remarkable Inflances, thew that the House of Commons themselves did allow the House of Peers their Part, in treating and debating on the Subject of Money to be levied for his Majesty

2. That, in Aids and Subfidies, the Lords have anciently been expresly joined with the Commons in the Gift: as in the first we can meet with in our Statutes; That in the body of Magna Charta, cap. 37. The Archbishops, Bishops, Abbots, Priors, Earls, Barons, Knights, Freeholders and other our Subjects, have given to us the 15th Part of all their Movea-bles: Which must include Merchandize. This Style the ancient Grants of Subfidies and the modern ones too do retain (the troublesome Time, of the War between the Houses of York and Lancaster only excepted;) and even then it was (the Commons, by Advice and Consent of the Lords, give and grant) till the Beginning of King Charles the First, by these Words, We your Majesty's loyal Subjects in Parliament offembled, implicitly, or by the Words, We the Lords Spiritual and Temporal and Commons in Parliament affembled, expresly, the Lords are joined in the Grant, as, by the Perusal of the

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Statutes, will appear. 3. That, in Subfidies of this nature, viz. Customs, the Lords have joined with the Commons in the Grant of them; and that at the very Beginning of these Impositions, as when 30s. upon every Sack of Wool (a home, native Commodity) was granted to Edw. I. in the third Year of his Reign, to him and his Heirs; the Grant is Magnates, Pralati & tota Communitas concesserunt. See Parl. Roll. 3 Ed. I. M. I. N. I. And other ancient Rolls do also shew, that the Lords joined with the Commons in Gift of Moneys, as Close Roll, 3 Ed. 1. M. 12. Endors. 3. Grant of a 15th,

and Part Roll, 3 Ed. 1. M. 6.

4. And more particularly in Impositions of this very Species, Tonnage and Poundage: The Lords were ever, at the first

first beginning, joined with the Commons in the Grant, as Anno 23 Car. II. the Parliament Roll, in 47 of Edw. 3. N. 10. The first Establishment of it by Act doth declare; where 'tis express faid, The Lords and Commons do grant. And this Style did continue in Acts of this nature till the end of Rich. II. After which, in those troublesome Times, the Style was various, till K. Hen. the VIIIth's Time, and this Style of Acts of Tonnage and Poundage was; We the Commons, with the Advice and Consent of the Lords Spiritual and Temporal, do give and grant. This Form of Gift in Tonnage and Poundage, lasted Edw. VI. Queen Mary's, Queen Elizabeth's and King James's Time, as the Statutes themselves do declare.

5. And, to prove most undeniably, that the Lords have their Share, in the Gifts of Aids and Supplies to the King, see the Act of 9 Hen. IV. commonly called the *Indemnity* of the Lords and Commons; which provides, that the Lords shall commune apart by themselves, and the Commons by themselves. The latter End enacts expressly, That the King shall thank both Lords and Commons, for Subsidies given him.

6. That the Lords may make Amendments and Altera. tions in Bills which grant Tonnage and Poundage, (the very question now between us) appears in an eminent Book Case, 33 Hen. VI. Feb. 17. which was a Confultation of all the Judges in England, and the Master of the Rolls, and the Clerk of the Parliament called in, to inform them as to the Manner of Proceedings of Bills in Parliament; Where it is faid, That if the Commons grant Tonnage and Poundage to endure for four Years, and the Lords grant it but for two Years, it shall not be carried back to the Commons, because it may stand with their Grant, but must be so enrolled. And that the Lords have made Amendments and Alterations in the Bills, granting Tomage and Poundage, appears by that Statute of the first of Edw. VI. and the first of Queen Elizabeth even in the very point now in dispute, such Amendments as do lessen the Sum of the King, as the 1st of Hen. VIII.

The PROVISO itself was read at the Conference.

We have seriously consulted our Judgments and Reasons to find Objections, if it were possible, against the Power of the Lords, and are so far from finding any, that we are fixed in Opinion, that the want of it would be destructive to the Government, and Peace of the Kingdom, and the Right of the Crown, in balancing and regulating of Trade, and making and preserving Leagues and Treaties with foreign Princes and States; and the Exercise of it cannot but he for the Security of all, and for the Ease, benefit, and satisfaction of the Subject.

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Anno 23 Car. II.

Their Lordships are very far from deligning to obstruct this Gift, no not for a Moment of time, much less for ever, as was hinted to them at the last Conference: And therefore they desire the House of Commons to lay it to heart and consider, if it should so happen (which they heartily wish it may not) that there should be an Obstruction upon occation of this Difference at whose door it must lie; theirs, that assume to themselves more than belongs to them, to the prejudice and diminution of the others Right; or theirs, that do only exercise that just and lawful Power, which, by the very Nature and constant Practice of Parliament is, and for

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many Ages hath been, vefted in both Houses.

Their Lordships had under Consideration and Debate the desiring a free Conference with your House, upon the Reasons of the Amendments in Difference between the Houses; but when they found that you had interwoven your general Position with every Reason you had offered, as for your particulars, it seemed to them that your Judgments were prepossessed, and they hold it vain, and below the Wisdom of Parliament, to reason or argue against fixed Resolutions, and upon Terms of Impossibility to persuade; and have therefore applied themselves only to that Point, which yet remains an Impediment in the way of free and Parliamentary Debates and Conferences, which must necessarily be first removed, that so we may come to a free Conference upon the Bill itself, and part with a fair Correspondence between the two Houses.

Third Confe-

This third Conference was the 22d of April, 1671. The Earl of Anglesey begun the Report of the Conference: Who said,

That Mr. Attorney (Sir Heneage Finch) told them, that, because the Matter is of moment, the House of Commons have trusted none to give their Words but themselves; and, therefore, have or-

dered it to be in Writing, which is as follows, viz.

The Sense of the Commons.

The Commons have defired this Conference, to preferve a good Correspondence with the House of Paers, and to prevent the ill Consequences of those Misunderstandings which may possibly interrupt the happy Conclusion of this Session, and of all future Parliaments too, if they be not very speedily removed: Wherein the Commons are not without Hopes of giving your Lordships full Satisfaction in the Point in question, and that without shaking any Foundations; unless it be such as no Man should lay, much less build upon, the Foundation of a perpetual Dissension between the two Houses Three things did surprize the Commons at a former Conference, concerning the Bill for an additional Imposition on several foreign Commodities.

Amendments to that Bill, they met with nothing but a Debate of the Liberties of their House, in the Matter, Measure and Time of Rates upon Merchandize, with a kind of Demand that those Liberties might be deliver'd up to your Lordships, by our public Acknowledgments, before there should be any farther Discourse upon that Bill.

2. That your Lordships should declare so fixed and settled a Resolution in this Point, before you had so much as heard

what could be replied in Defence of the Commons.

3. And lastly, That your Lordships should be so easily induced to take this Resolution, if there be not other Motives for it than those Precedents and Reasons, which your

Lordships have been pleased to impart to us.

The Commons confess, that the best Rule for deciding of Questions of Right between both Houses, is the Law and Usage of Parliaments: and the best Evidence of that Usage and Custom of Parliaments, are the most frequent and authentic Precedents: Therefore the Commons will first examine the Precedents your Lordships seem to rely upon, then they will produce those by which their Right is afferted; and in the last place, they will consider the Reasons upon which your Lordships ground yourselves.

By the Nature of Precedents, which your Lordships produce, there is an evident Departure from the question, as the former Conference left it: There the Doubt was narrowed to this single Point, viz. Whether your Lordships would retrench or abate any Part of the Rates which the Commons had granted upon Merchandize; here the Precedents do go to a joint Power of imposing and beginning of Taxes, which is a Point we have not yet heard your Lordships to pretend to, tho this present Difference prepares way for it. Therefore either these prove too much, by proving a Power of imposing, or they prove nothing at all, by not proving a Power of lessening.

And yet they do not prove a Power of impoling neither, for those Words, (the Lords and Commons grant) must either be understood reddendo singula singulis; that is, the Lords grant for themselves, and the Commons grant for Counties, Cities and Boroughs; whom they represent, or else the Word (Grant) must be understood only by the Lords Assent to what the Commons grant: because the Form of Law requires, that both join in one Bill, to give it the

Force of a Law.

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This answers the Statute of Magna Charta, cap. 37. and those few Instances where it is said, The Lords and Commons grant, viz. 47 Ed III. N. 10. 4 R. II. N. 10, 11, 12, 13, 14. 6 R. II. N. 14. But what Answer can be given to those Tome I.

Anno 23 Car. II. ancient and modern Precedents and Acts where the Grant moves, and is acknowledged to come from the Commons alone, of which a multitude shall be herein after mentioned? The Case of the 14th of Ed. III. N. 5. Apres Grand trete et pleance entre lez Grantz et Chevaliers et Communs fuit affentu, &c. is no Grant of the ninth Sheaf, as your Lordships cited it to be; but an Agreement, that the Nones, granted in a former Parliament, should now be fold, because the Money came not in fast enough. The 22d of Ed. III. N. s. which your Lordships cited to prove that the King did fometimes command the Lords to confult with the Commons about raising of Money, proves little of that; but it proves exprelly, that the Commons granted three fifteenths; and as the Grant runs wholly in their Names, fo the Record is full of many Reasons why they would grant no more, and upon what Conditions they granted so much. Tho' they seem to make a Shew in your Lordships Part, yet they prove two things of great Importance to the Commons.

I. That all Aids must begin with the Commons, else the Lords needed not to have conferred about the Aids, but

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might have fent down the Bill.

2. That when they are begun, the Lords can neither add nor diminish, else it was in vain to adjust the Matter by private Conference beforehand, if the Lords could have reformed it afterwards, which shews what little Service the Records of 29 Ed. III. N 11. 51 Ed. III. N. 18. can do your Lordships in the present Question. From the Time of Richard II. your Lordships came to the seventh of Jac. to tell us of the Treaties between the Lords and Commons, touching the Contract for Tenures in Capite; wherein the Lords being to be Purchasers, it was less subject to Objection, to confer both of the Method, and Manner how the Price agreed might be paid, for the Satisfaction of the King: But this Matter hath so little Affinity with the present Question of lessening Rates upon Merchandize given by the Commons, that nothing but a Scarcity of Precedents could ever have persuaded your Lordships to make use of this Instance.

As for the Precedent of 3 Ed. I. cited by your Lordships, the Commons have most reason to reply upon that Case. Your Lordships say, that in the beginning Impositions, when 40 s. upon a Sack of Wool was granted to Ed. I. and his Heirs, the Lords joined in the Grant; for the Words are, Magnates, Pralati, & tota Communitas concesserunt, wherein

are these Mistakes.

1. That the Record was not a Grant of 40 s. upon a Sack of Wool, as your Lordships suppose, but a reducing of 40s. upon a Sack, which Edw. I. took before Magna Charta Was confirmed, to half a Mark, viz. 6s. 8d. per Sack; and it was at the Prayer of the Commons, as some Books say, and Anno 23 Car. it cite for it. 3 Ed. 1. M. 24.

2. That Record which your Lordships cite, is twice printed, once in the second Part of the bistitutes, page 531. and again in the fourth Part of the Institutes, page 29. And by both those Places it is evident, that the concesserunt is only to be applied to the tota Communitas, and not to the Magnates; for this was a Grant only of the Commons, and not a Grant of the Lords: And to demonstrate this beyond all possibility of Scruple, the printed Books do refer to Statute the 25th Ed. I. cap. 7. called Confirmationes Charte; wherein it is exprefly declared by Act of Parliament; for by the last Statute it appears, that the male tote of 40s. was again demanded by Edw. I. and was therefore now abrogated, faving to the King and his Heirs the Demy-Mark upon a Sack of Wool, granted by the Commonality, which is the very fame Grant of the 3d Ed. I. cited by your Lordships in the present Question: But this is also a convincing Evidence, that those Words (the Lords and Commons grant) are Words of form, and made use of in such Cases, where the Grant did certainly proceed from the Commons alone. And, to clear this Precedent, we pray your Lordships to take notice of the Statute of the 2d and 3d of Ed. VI, cap. 36. where a Relief is given to the King by Parliament, and in the Title of the Act (as also in the Body of the Act) it is called all along, the Grant of the Lords and Commons; yet in the 3d and 4th of Ed. VI. cap. 23. this former Act is rejected, and there it is acknowledged to be only a Grant of the Com-

And as for the Case of the 9th of Hen. IV. called, the Indemnity of the Lords and Commons, these Things are evidently proved by it

1. That it was a Grievance to the Commons, and a Breach of their Liberty, for the Lords to demand a Committee to

confer with them about Aids.

2. That the Lords ought to confider by themselves apart.

3. That no Report should be made to the King of what the Commons have granted and the Lords affented to, till the Matter be perfected; so that a plain Declaration is made, that the Commons grant, and the Lords affent.

4. That the Gift ought to be presented by the Speaker

of the Commons.

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d it was The Book-Case of 33 of Hen. VI. cap. 17. is the weakest of all, for the Words are C. Si les Communs grant, p. 4. Ann. & Sammes, 4. ceo sera reliver.

1. Now, this was no Opinion of any Judge, but only of

Kirby, Clerk de Parliament.

Anno 23 Car.II.

2. This was a Case, put by the by, and not pertinent to the Matter in hand.

3. 'Tis impossible to be Law, being against the constant Usage, and Practice of Parliament; for then your Lordships may not only lessen the Rates and Time, but you may chuse whether you will send us the Bill or no back again with Amendments, which was never heard of; and if that may be, why was it done so now?

4. That Clerk fays your Lordships may increase Impositions too; which Part of the Case you thought not fit to cite,

because you pretend not to it.

5. Brook, Parliament 7. puts a Query upon the Cafe, as it deserved; but if the Law-Books are to be heard in this Case, 30 Hen. VIII. Dier. 43. in judicial Authority; where Subsidy is defined to be a Tax affess per Parl. et gre al Roy per les Communs durant VII. de che Roy tauta per le Desence de

Merchants sur le mere.

The Provisos in the Bill, I Hen. VIII. which your Lordships seem mainly to rely upon, we conceive to be of no force at all, unless it be against your Lordships; for, as it appears by your Lordships Journals, the Case was this: The Bill itself did not pass the 3d Hen. VIII. and upon the 43d Day of the Parliament, the Lords assented to it; afterwards, upon the 45th Day, two Provisos came in, one touching the Merchants of the Staple of Calais; both were signed by the King and the Lord Chancellor; and the Bishop of Winton did declare, that the signing of those Proviso's by the King's own Hand was enough, without the Consent of either House: So that the Additions of those Provisos prove nothing for which your Lordships cited them, because,

1. They were figned by the King.

2. They were brought against the Course of Parliament, after the Bill passed.

3. The Provisos were nothing but a Saving of former Rights usually considered in former Acts of that nature.

4. Your Lordships Journals declare, that the King, without these Provisos, might have done the same thing by the Prerogative.

Only this may be fit to be observed by the way; that as the Bill was a Grant of the Commons alone, so the Thanks for the Bill were given to the Commons alone; and so it appears upon the Indorsement of that Record.

The Precedents for the Commons, which on the fudden we find (for we have had but few Hours to fearch) are all

these following, viz

11 Ed. I. Walfingham, 486. Populus dedit Regi tricessimam partem Bonorum.

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Qu be 25 Ed. I. Walfingham, 485. Populus dedit denarium Nom. Anno 23 Car. H.

7 Hen. IV. Walfingham, 566. Postquam Milites Parliamentales diu distulissent concedere Regi Subsidium, in fine vamen fracti con-

6 Hen. IV. Walfing ham. 564. Subsidium denegatum fuit, proceribus renitentibus. So hitherto when granted, the Commons give it; when denied, the whole Bill is rejected, never abated.

1 Ed. III. Stat. C. 6. The Commons griev'd, that when they granted an Aid and paid it, the Taxes were revived.

18 Ed. III. C. I Stat. at large, The Commons grant two Fifteenths, the great Men grant nothing, but go in Person with the King.

26 Ed. III. C. 11. The King, having regard to the Grant made by the Commons, for three Years, of Wool and Leather, grants, that no Aids be levied but by Confent of Parliament.

21 R. II. N. 75. Is the first Grant of Tonnage and Poundage for Life, and it was given by the Commons alone.

2 Hen. VI. N. 14. The Commons grant Tonnage and

Poundage for two Years.

31 Hen. VI. N. 7, 8, 9, 10. The Commons grant Tonnage and Poundage for Life.

8 Ed. IV. N. 30. The Commons grant two Tenths and

two Fifteenths.

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12 Ed. IV. C. 3. The Grant of Tonnage and Poundage for Life is recited to be by the Commons, and most of the

Rates mentioned in the Bill.

The Wars of York and Lancaster are so far from weakening these Precedents, that they strengthen them rather; for no Man can think the Lords were then in less Power, or less careful of their Right than your Lordships are now: Wherefore, if in those Days those Forms were approved by those mighty Men, it is a sign the Right is clear.

Hen. VIII. The Commons by Affent of the Lords grant

Tonnage.

15 Hen. VII. In Ireland was the first Grant of Tonnage and Poundage, but it is faid, at the Prayer of the Commons it is enacted; which in a Kingdom, where they are not tied to

forms, shews the clear Right.

We your poor Commons by Advice, &c. grant: And also it I Ed. VI. cap. avers the Right, time out of mind to be in the Commons. 13. 1 M. Cap. This Stat. I Eliz. cap. 19. gives us occasion to put your 8. I Eliz. cap. Lordships in mind of another Precedent, which appears in 19. your Journal; for, while this Bill was passing, the Inhabitants of Cheshire and Wales petitioned the Lords upon the second Reading, that for as much as they were subject to pay the Queen a certain Duty called Mises, that therefore they might be excused of the Subsidy, and abated their Part of it.

The

Massas Car.II.

The Lords, who then knew they had no Power to diminish any Part of the Aid granted by the Commons, did therefore address themselves to the Queen in their behalf. The Queen commanded an Entry to be made in the Journal of the House of Lords, That she was pleased the Cheshire-men and Welsh-men should be respited the Mises when they pay Subsidies, and respited the Subsidies when they pay Mises; Which as it is a strong Proof that the Commons alone grant, so no body can diminish their Grant, else what need had the Lords to apply themselves to the Queen for it?

17 Car. I. Tonnage and Poundage was granted once for a Month, then again for three Months, but still the Grant was by the Commons in those Days, how tumultuous soever; the Commons did not rise against the Lords, they agreed

well enough.

In short, all these Grants were of the Commons, yet none of these Bills were ever varied by your Lordships, or your Predecessors, which, if there had been such a Right, would some time or other have been exercised, tho in very small

Values, purposely to preserve that Right.

Thus an uninterrupted Possession of this Privilege ever since the 9th of Hen. IV. confirmed by a Multitude of Precedents both before and after, not shaken these 300 Years, is now required to be delivered up, or an end to be put to all farther Discourse; which Opinion, if it be adhered to, is, as much as in your Lordships lies, to put an end to all future Transactions between the Houses in Matters of Money, which we pray your Lordships to consider.

The Reasons offered by the House of Commons, are these:

Reasons offer'd by the Commons. ist because there appears not to the Commons any colour, from the Precedents cited by your Lordships, why your Opinion should be so fixed in this point, we suppose the main Defence is in the Reasons that have been given for it.

That Paper begins with an observation, that your Lordships have neither Reason nor Precedent offered by the Commons to back their Resolution, and yet concludes with an answer to a Precedent then cited by the House of Commons, wiz. The Act of Tonnage and Poundage, now in force; and if your Lordships had but one Precedent then, you have now a great Number beside; of these, 3 Ed. I. 1 Hen. VIII. 9 Hen. IV. and divers others your Lordships furnished us with.

Before the Commons answer to your Lordships Reasons in particular, they desire to say first in general, that it is a very unsafe thing in any settled Government, to argue the Reasons of the fundamental Constitutions; for that can tend to nothing that is profitable for the whole.

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And this will more sensibly appear to your Lordships, if Anne 23 Ca. He Grounds and Foundations of Judicature be examined; for there are several Precedents in Parliament, and some in Book Cases, which prove, that Judicature is not to be exercised by all the Lords, but only by such as the King is pleased to appoint; so is the Book Case of 22 Ed. III. N. 3.

A. B. And so in Parliament Roll, 25 Ed. III. N. 4. Several other Precedents, where the Commons, by the King's good Pleasure, have been let into a share of the very Judicature, are 42 Ed. III. N. 20, 21. 31 H. VI. N. 10. 8 of Ed. IV. Hugh Price's Case in the Rolls of Parliament.

N.B. Some Precedents there are, where it was affigued for Error in the House of Peers, that the Lords gave Judgment without Petition, or Assent of the Commons: so is

2 H. V. N. 13.

Would your Lordships think it safe, that a Dispute should now be made of the very Rights of Judicature because we

have fuch Precedents?

If Usage for so long a time hath silenced all disputes touching your Lordships Judicature, shall that Usage be of no Force to preserve the Privilege of the Commons from all farther Questions?

Also there is a Precedent of an Act of Parliament passed by the King and Commons alone, without the Lords, viz. 1 Ed. VI. 65. and that twice approved, viz. 1 Eliz. cap. 17. and the 5th of Eliz. cap. 19. which both allow and commend

this Act.

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Shall we therefore argue the Foundations of the Legislature, because we have such Precedents? But to come to particulars; your Lordships first Reason is from the Happiness of the Constitution, That the two Houses are mutual Checks upon each other.

Answer. So they are still, for your Lordships have a Negative to the whole; but, on the other side, it would be a double Check on his Majesty's Assairs, if the King may not rely upon the Quantum, when once his People have given it; therefore the Privilege, now contended for by your Lordships,

is not of use to the Crown, but much the contrary.

2. Your Lordships Reason, drawn from the Writ of Summons, is as little concluding; for though the Writ does not exclude you from any Affairs, yet it is only, de quibusdam arduis negotiis, and must be understood of such as by Course of Parliament are proper, else the Commons upon the like Ground may entitle themselves to Judicature, for they are also called to treat de quibusdam arduis.

3. Your Lordships also proceed to demand, where that Record or Contract in Parliament is to be found, where the Lords appropriate this Right to the Commons in exclusion of themselves?

Answer.

hoo of Car. III. Answer. To this rhetorical Question the Commons pray they may answer by another Question; where is that Record or Contract, by which the Commons submitted, that Judicature should be appropriated to the Lords, in exclusion to themselves? Where-ever your Lordships find the last Record, they will shew the first endorsed upon the Back of the same Roll.

> Truth is, Precedents there are, where both fides do exercise their several Rights, but not how either side came

by them.

4. If the Lords may deny the whole, why not a part? else the Commons may pretend at last against the Lords Negative Voice.

Answer. The King must deny the whole of every Bill, or pass it; yet this takes not away his Negative Voice. The Lords and Commons must accept the whole general Pardon,

or deny it, yet this takes not away their Negative.

The Clergy have a Right to tax themselves, and it is a part of the Privilege of their Estate; doth the upper Convocation-House alter what the lower grants; or do the Lords ever abate any part of their Gifts? Yet they have a Power to reject the whole. But if Abatement should be made, it would infenfibly go to a raifing, and deprive the Clergy of their ancient Rights to tax themselves.

5. Your Lordships say, Judicature is undoubtedly ours; yet in Bills of Judicature, we allow the Commons to amend and alter, why should not the Commons allow us the same

Privilege in Bills of Money?

Answer. If Contracts were now to be made for Privileges, the Offer might feem fair, but yet the Commons should profit little by it; for your Lordships do now industriously avoid all Bills of that nature, and chuse to do many things by your own Power; which ought to be done by the Legislative; of which we forbear the Instances, because your Lordships, we hope, will reform them; and we defire not to create new differences, but to compose the old.

6. Your Lordships say, you are put to an ignoble Choice, either to refuse the King's Supplies when they are most neceffary, or to confent to fuch W ays or Propolitions, which neither your own Judgment, nor the Good of the G overn-

ment or People can admit.

Answer. We pray your Lordships to observe, that this Reason first makes your Lordships Judgments to be the mea-

fure of the Welfare of the Commons of England.

adly. It gives you Power to raise and increase Taxes, as well as to abate; for it may be fometimes your Lordings Judgments, that it is for the Interest of Trade to raise and increase a Rate, and then still you are brought to the same ignoble Choice, unless you may raise the Tax.

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But it is a very ignoble Choice put upon the King and his Anno 23 Car. II.

People, that either his Majesty must demand, and the Commons give so small an Aid as can never be diminished, or else run the hazard of your Lorpships Examination of the Rates, whose Proportion in all Taxes, in comparison to what the Commonalty pay, is very inconsiderable.

7. If positive Assertions can introduce Right, the Lords have no Security, but the Commons may extend their Rights

as they judge it necessary or expedient.

In wer. We hope no Affertions or Denials, though never fo politive, shall give or take away Right; but we rely upon ulage on our fide, and non-ulage on your Lordships part, as the best evidence, by which your Lordships or we can claim any Privilege.

8. Your Lordships profess a defire, to raise our esteem with his Majesty and the whole Kingdom, but not by the

undervaluation of the House of Peers.

Answer. We have a great Confidence in his Majesty's Goodness, that nothing can lessen his Esteem of our dutiful Affections to him; and we hope we deserve so well of our Country, by our deportment towards his Majesty, that we shall not need your Lordships recommendations to any, who wish well to his Majesty, or the present Government; but we are so far from wishing to raise an Esteem by any diminution of your Lordships Honour, or Privileges, that there never was any House of Commons, who ever had a more just and true Respect for that noble Constitution of a House of Peers; of which your Lordships have had frequent Instances, by our consenting to several Clauses in Bills for securing and improving your Lordships Privileges.

We are forry to see your Lordships undervalue the Precedent of this last Act of Tonnage and Poundage, because if it were an Act of the last Convention, 'twas confirmed in

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And because the Right of the Commons, there afferted, was pursuant to a former Precedent in 1642, and possibly had not passed so, if the younger Members of that Convention had not learned from some of those great and noble Lords, who now manage the Conference for your Lordships, and were then Commoners, that this was the undoubted Right of the Commons.

To conclude; The Commons have examined themselves and their Proceedings, and find no cause why your Lordships should put them in mind of that Modesty their Ancestors shewed, who always paid a great deference to the Wisdom of the Lords; for they resolve ever to observe the Modesty of their Ancestors, and doubt not but your Lordships will also sollow the Wisdom of yours:

TOME I. X To

Anno 23 Car. II. 1671.

To these the Lords proceeded to make some replies: and, particularly, as to their having no Power to alter the Subfidies of the Clergy, nor an Act for a general Pardon; they faid, these were things eccentric to Parliaments, and had their Motion in another Sphere: The Convocation gave one, and the King of his free Grace bestowed the other; and the Parliament only gave them the force of Law, and might chuse whether they would do it or not; and consequently this was no ways to the case in dispute. But to read the Commons Money-Bill three times in their House, and to commit it. without any Power of debating upon it, was a folemn piece of Pageantry, beneath the Dignity of a Parliament. As to the point of Judicature, they alledged, it belonged to the Peers before the very being of a House of Commons, rather as the grand Council of the Nation, than as part of the Parliament; and being vested in the King, as well as themselves, might possibly exist without the sitting of a Parliament. As to Precedents they alledged, we have several for us; but it were enough for our Justification, if there be none against us; and there could be but one of these kinds, either that we have of ourselves disclaimed such a Power, or that it hath been denied them when they have claimed it; and whofoever sheweth one of either, Erit nobis magnus Apollo.

But before they could finish their Arguments, or put any

The Commons Address.

The King's Answer.

period to this great Controversy, on the 22d of April, his Majesty, who had been used to cut those Knots that were not eafily unty'd, came to the House of Peers, in order to a Prorogation. But before that, the two Houses found so much time as to present his Majesty with an Address, ' That his Majesty wou'd be graciously pleas'd, by his own Example, to encourage the constant wearing of the Manufactures of his own Kingdom and Dominions, and discountenance the Wear of any Manufactures made in foreign Countries.' His Majesty very graciously accepted their humble Motion, and was pleas'd to declare, 'That he willingly comply'd with their Defires therein; and did affure them, that as he had already put it in practice in his own Person, so he wou'd for the ' future take care, that it shou'd be observed by himself, ' and those of his Family.' After which he gave his Royal Affent to the several Bills that were presented to him, fourteen private Acts, and eighteen public; of which last were, He passes several I. An Ast to prevent the Delivery up of Merchant Ships, and Acts. for the Increase of good and serviceable Shipping. 2. An Ast for exporting of Beer, Ale, and Mum. 3. An Act for laying Impositions on Proceedings at Law. 4. An Act for the better settling of intestate Estates. 5. An Act for determining of Differences touching Houses burnt within four Years since the late dreadful Fire of London. 6. In additional Act for ascertaining the Mean Sures

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fures of Corn and Salt. 7. An Act for the more certain Recovery Anno 23 Car. II. of Fines and Forfeitures due to his Majesty. 8. An Act for the better paving and clearing the Streets and Sewers in and about London. 9. An Act for the Relief and Release of poor Prisoners for Debt. 10. An Act for the Discovery of such as have defrauded the Poor of London of the Mon ys given them at the Times of the late Plague and Fire. 11. An Act for the better regulating of Work-Houses, for setting the Poor on work. 12. An At for the better Settlement of the Maintenance of the Parsons, Vicars and Curates in the Parishes of London, burnt by the late dreadful Fire. 13. An Act for vefting certain Fee-Farm Rents, and other small Rents, in Trustees. 14. An Act to prevent Frauds in the buying and selling Cattle in Smithfield and elsewhere. 15. An Act for the better preservation of the Game, and for securing Warrens not enclosed, and the several Fishings of the Realm. 16. An Act for the taking Accounts of sicty thousand Pounds, and other Moneys, given to the loyal, indigent Officers. 17. An Act to prevent the planting Tobacco in England, and for regulating the Plantation Trade, 18. An Act to revive a former Act, entitled, An Act to prevent the Disturbances of Seamen and others, and to preserve the Stores belonging to his Majesty's Royal Navy. Upon passing these Acts, his Majesty without any Speech, prorogu'd the Parliament.

On the fourth Day of February, both Houses met according The eleventh to Prorogation, and Sir Edward Turner, the last Speaker of Session of the the House of Commons, having been made Lord-Chief-Baron Second Parliaof the Exchequer, the first thing they did was the Choice of ment. a new Speaker; to this end Sir Job Charleton Serjeant at Law Sir Job Charlewas recommended to them, and unanimously elected. Who, ton the new being presented to the King, desir'd to be excus'd from so Speaker. difficult and weighty a Concern; but the Lord Chancellor Shaftesbury in another Speech to him, let him know that no Excuses wou'd be admitted, and particularly said in the presence of the King and both Houses, ' The Conjuncture of Time, and the King's and Kingdom's Affairs require such a House of Commons, such a Speaker; for with Reverence to the Holy Scripture, the King may upon this Occasion fay, He that is not with me, is against me: For he that doth not now put his Hand and Heart to support the King in the common Cause of this Kingdom, can hardly ever hope for such another Opportunity, or find a time to make Satisfaction for

the Omission of this. Immediately after, his Majesty from the Throne made this following Speech to both Houses of Parliament:

' My Lords and Gentlemen, Am glad to see you here this Day; I would have The King's called you together fooner, but that I was willing to Speech to both ease Houses,

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ease you and the Country, till there was an absolute Necessity. Since you were last here, I have been forc'd to a
most important, necessary and expensive War; and I make
no doubt but you will give me suitable and essectual As
fistance to go through with it. I refer you to my Declaration for the Causes, and indeed the Necessity of this War;
and shall now only tell you, that I might have digested
the Indignities to my own Person, rather than have brought
it to this Extremity, if the Interess, as well as the Honour
of the whole Kingdom had not been at stake: And if I
had omitted this Conjuncture, perhaps I had not again
ever met with the like Advantage. You will find the last
Supply you gave me did not answer the Expectation for
the End you gave it, the Payment of my Debts. Therefore I must in the next place recommend them again to

your especial Care. Some few Days before I declared the War, I put forth my Declaration for Indulgence to Diffenters, and have hitherto found a good Effect of it, by fecuring Peace at home, when I had War abroad. There is one Part in it that hath been subject to Misconstruction, which is that concerning the Papists; as if more Liberty were granted to them, than to the other Recusants; when it is plain there is less: For the others have public Places allow'd them, and I never intended that they shou'd have any, but only have the Freedom of their Religion in their own Houses, without any Concourse of others. And I cou'd onot grant them less than this, when I had extended so much more Grace to others, most of them having been Loyal, and in the Service of me, and of the King my Father; and in the whole Course of this Indulgence, I do onot intend that it shall any way prejudice the Church, but I will support it in its Rights, and in its full Power. Having faid this, I shall take it very ill to receive Contradiction in what I have done. And I will deal plainly with you, I am refolv'd to flick to my Declaration. There is one Iealoufy more that is maliciously spread abroad, and yet fo weak and frivolous, that I once thought it not of moment enough to mention; but it may have gotten fome ground with some well-minded People, and that is, that the Forces I have rais'd in this War were defign'd to ' controll Law, and Property: I wish I had had more Forces · last Summer, the want of them then convinces me I must raise more against the next Spring; and I do not doubt but you will confider the Charge of them in your Supplies. I will conclude with this Affurance to you, that I will pre-' serve the true Reformed Protestant Religion, and the 'Church as it is now establish'd in this Kingdom; and that

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no Man's Property or Liberty shall ever be invaded. I Anno 25 Car. II. leave the rest to the Lord Chancellor."

Who spoke as follows: ' My Lord's, and you Knights, The Lord Citizens and Burgesses of the House of Commons, the King Chancellor hath spoken so fully, so excellently well, and so like himfelf, that you are not to expect much from me. There is not a Word in his Speech that hath not its full Weight: And, I dare with Affurance fay, will have its Effect with you. His Majesty had called you sooner, and his Affairs required it, but that he was refolv'd to give you all the Eafe, and Vacancy to your own private Concerns; and the People as much Respite from Payments and Taxes, as the Necessity of his Buliness, or their Preservation wou'd permit. And yet (which I cannot but here mention to you) by the crafty Infinuations of some ill-affected Persons, there have been fpread strange and desperate Rumours, which your meeting together this Day hath sufficiently prov'd both malicious, and false. His Majesty hath told you, that he is now engag'd in an important, very expensive, and indeed a War absolutely necessary, and unavoidable. He hath refer'd you to his Declaration, where you will find the personal Indignities by Pictures, and Medals, and other public Affronts, his Majesty hath receiv'd from the States, their Breach of Treaties both in the Surinam, and the Rast-India Business: And at last they came to that height of Insolence, as to deny the Honour and Right of the Flag, tho' an undoubted Jewel of this Crown, never to be parted with, and by them particularly own'd in the late Treaty of Breda, and never contested in any Age. And whilst the King long expected, and then folemnly demanded Satisfaction, they disputed his Title to it in all the Courts of Christendom, and made great Offers to the French King, if he wou'd stand by them against us. But the most Christian King too well remember'd what they did at Munster, contrary to so many Treaties, and folemn Engagements; and how dangerous a Neighbour they were to all Crowned Heads. The King and his Ministers had here a hard Time, and lay every day under new Obloquies. Sometimes they were represented as felling all to France for Money, to make this War: Portsmouth, Plymouth and Hull, were to be given into the French Hands for Caution. The next. Day's News' came, that France and Holland were agreed. Then the Obloquy was turn'd from Treachery to Folly: The Ministers were now Fools, that some days before were Villains. And indeed the Coffee-Houses were not to be blam'd for their last Apprehensions; fince if that Conjunction had taken effect, then England had been in a far worse Case than now it is, and the War

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Anne 25 Car. II, had been turn'd upon us. But both Kings knowing their Interest, resolv'd to join against them, who were the common Enemies to all Monarchies, and I may say especially to ours, their only Competitor for Trade and Power at Sea: and who only stand in their way to an Universal Empire, as great as Rome. This the States understood so well, and had fwallow'd so deep, that, under all their present Distress and Danger, they are so intoxicated with that vast Ambition, that they flight a Treaty, and refuse a Cessation. All this you and the whole Nation saw before the last War; but it cou'd not then be so well timed, or our Alliances so well made. But you judg'd aright, That at any rate, Delenda est Carthago, that Government was to be brought down And therefore the King may well fay to you, It is your War! He took his Measures from you, and they were just and right ones: And he expects a fuitable Affistance to so necessary and expensive an Action; which he has hitherto maintain'd at his own Charge, and was unwilling either to trouble you, or burden the Country, until it came to an inevitable Necessity. And his Majesty commands me to tell you, that unless it be a certain Sum, and speedily rais'd, it

can never answer the Occasion.

' My Lords and Gentlemen, Reputation is the great Support of War or Peace This War had never begun, nor had the States ever flighted the King, or ever refuled him the Satisfaction, neither had this War continu'd to this day, or subsisted now, but that the States were deceiv'd in their Measures, and apprehended that his Majesty, in that great want of Money, must fit down under many Affronts, and was not able to begin or carry on a War. Nay, at this day the States support themselves amongst their People by this only Falshood, that they are assured of the Temper of England, and of the Parliament, and that you will not supply the King in this War; and that if they can hold out till your Meeting, they will have new Life, and take new Measures. There are lately taken two of their principal Agents, with their Credentials and Instructions to this purpose, who are now in the Tower, and shall be proceeded against according to the Law of Nations. But the King is sufficiently assured of his People; knows you better; and can never doubt his Parlia-This had not been mention'd, but to fhew you of what Importance the Frankness, and Seasonableness of this Supply is, as well as the Fulness of it. Let me say, the King has brought the States to that Condition, that your hearty Conjunction, at this Time, in supplying his Majesty, will make them never more formidable to Kings, or dangerous to England. And if after this you fuffer them to get up, let this be remember'd, The States of Holland are England's eternal Enemy, both by Interest, and Inclination. In the next place,

place, to the Supply for carrying on the War, his Majesty Anno as Car. II. recommends to you the taking care of his Debts. What you gave the last Session did not near answer your own Ex-Besides, another considerable Aid you design'd pectation. his Majesty, was unfortunately lost in the Birth; so that the King was forc'd, for the carrying on his Affairs, much against his Will, to put a stop to the Payments out of the Exchequer. He faw the Pressures upon himself, and growing Inconveniencies to his People by great Interest; and the Difference, through all his Bufiness, between ready Money, and Orders. This gave the King the Necessity of that Proceeding; to make use of his own Revenue, which hath been of so great Effect in this War. But tho' he hath put a Stop to the Trade and Gain of the Bankers, yet he would be unwilling to ruin them, and oppress so many Families as are concern'd in those Debts: Besides, it were too disproportionable a Burden upon many of his good Subjects. But neither the Bankers, nor They, have reason to complain, if you now take them into your Care, and they have paid them what was due to them, when the Stop was made, with Six per Cent. Interest from that Time. The King is very much concern'd both in Honour and Interest, to see this done. And yet he desires you not to mis-time it; but that it may have only the second Place, and that you will first settle, what you intend about the Supply.

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'His Majesty has so fully vindicated his Declaration from that Calumny concerning the Papists, that no reasonable Scruple can be made by any good Man. He has fufficiently justify'd it by the Time it was publish'd in, and the Effects he hath had from it; and might have done it more from the Agreeableness of it, to his own natural Disposition, which no good English-Man can wish other than it is. He loves not Blood, or rigorous Severities; but where mild or gentle Ways may be used by a wise Prince, he is certain to chuse them. The Church of England, and all good Protestants have reason to rejoice in such a Head, and such a Defender. His Majesty doth declare his Care, and Concerns for the Church, and will maintain them in all their Rights and Privileges, equal, if not beyond any of his Predeceffors. He was born, and bred up in it: It was that his Father died for: We all know how great Temptations and Offers he relisted abroad, when he was in his lowest Condition; and he thinks it the Honour of his Reign, That he hath been the Restorer of the Church: 'Tis 'That he will ever maintain, and hopes to leave to Posterity, in greater Lustre, and upon surer Grounds, than our Ancestors ever faw it. But his Majesty is not convinc'd that violent Ways are the Interest of Religion, or the Church. There is one Thing more, that I am

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nno 25 Car. II. commanded to speak to you of, which is the Jealously that hath been foolishly spread abroad, of the Forces the King hath rais'd in this War. Wherein the King hath open'd himself freely to you, and confess'd the Fault of the other hand. For, if this last Summer had not prov'd a Miracle of Storms and Tempests, such as secured the East-India Fleet, and protected their Sea-Coast from a Descent, nothing but the true Reason, Want of Money, could have justify'd the Defect in the Number of our Forces. 'Tis that his Majesty is providing for against the next Spring, having given out Orders for raising of seven or eight Regiments more of Foot, under the Command of Perions of the greatest Fortunes and Quality. And I am earnestly to recommend to you, That, in your Supplies, you will take into your Confideration this Necessary Addition of Charges.

The Conclusion of it.

' And after his Majesty's Conclusion of his Speech, let me conclude, nay let us all conclude with bleffing God, and the King: Let us blefs God, That he hath given us fuch a King to be the Repairer of our Breaches both in Church and State; and the Restorer of our Paths to dwell in: That in the midst of War and Misery, which rages in our neighbour Countries, our Garners are full, and there is no Complaining in our Streets; and a Man can hardly know that there is a War. Let us blefs God, that he hath given this King fignally the Hearts of his People, and most particularly of his Parliament, who in their Affection and Loyalty to their Prince, have exceeded all their Predecessors. A Parliament with whom the King hath many Years liv'd with all the Careffes of a happy Marriage. Has the King had a Concern? You have wedded it. Has his Majesty wanted Supplies? You have readily, chearfully, and fully provided for them. You have rely'd upon the Wisdom and Conduct of his Majesty in all his Affairs; so that you have never attempted to exceed your Bounds, or to impose upon him: Whilst the King, on the other hand, hath made your Counfels the Foundations of all his Proceedings; and hath been so tender of you, that he hath, upon his own Revenue and Credit, endeavoured to support even foreign Wars, that he might be least uneasy to you, or burdensome to his People. And let me fay, That tho' this Marriage be according to Moses's Law, where the Husband can give a Bill of Divorce, put her away, and take another; yet I can assure you, it is as impossible for the King to part with This Parliament, as it is for you to depart from that Loyalty, Affection and Dutiful Behaviour, you have hitherto shewn towards him. Let us bless the King for taking away all our Fears, and leaving no room for Jealousies; for those Assurances, and Promises he hath made us. Let us bless God and the King, that our Religion

Religion is fafe; That the Church of England is the Care of Anno 25 Car. 17 our Prince; That Parliaments are safe; that our Properties and Liberties are fafe. What more hath a good English Man to ask, but that this King may long reign, and that this Triple Alliance of King, Parliament and People, may never be

di ffolv'd?

Neither this Speech, nor the Chancellor who deliver'd it, were then agreeable to the House: He having issued out Writs under the Broad-Seal, for filling up fitch Vacancies as had happen'd in the House since the last Session, which they look'd upon as injurious to their Privileges, and warmly complained of, even before their own Speaker was approv'd of: Which occasion'd his Majesty, immediately after the two Speeches, to declare to them, 'That he had given Order to the Lord Chancellor to fend out Writs for the better Sup-' ply of their House, having seen Precedents for it: But if any Scruple or Question did arise about it, he left it to the ' Horse to debate as soon as they could.' Accordingly, the very next Day the Commons, after warm and angry Debates Members reconcerning those Writs and Returns, voted them irregular, turn'd by and expell'd those Members so elected; notwithstanding Grown-Writs, which, taking into Consideration his Majesty's extraordinary expell'd. which, taking into Confideration his Majesty's extraordinary Occasions, they freely resolv'd, 'That a Supply be given A Supply voted. of eighteen Months Affessment, according to the Proportion of the last royal Aid, not exceeding seventy thousand Pounds per Mensem; which, in all, amounted to twelve hundred and After this, Feb. 10. the King's tixty thousand Pounds. Declaration of Indulgence, having been first read in the House, they resolv'd, That penal Statutes in Matters Ecclesiastical cannot be suspended but by Act of Parliament. And on the 15th, Sir Job Charleton the new Speaker having Sir Job Charle. pleaded an Indisposition to excuse his Attendance, the House, ton quits the notwithstanding the pressing Affairs then before them, ad- Chair, and journ'd to the 18th. When the Speaker's Disorder still con-Seymour chosen tinuing, and the King having signified his Permission, by in his Place, Mr. Secretary Coventry, that a new Speaker should be appointed, Mr. Edward Seymour was unanimously chosen in his room. Then, being determin'd that Redress of Grievan. ces should accompany the Money-Bill, on the 19th, they presented the following Address to his Majesty, at the Banquetting-House: 'Most Gracious Sovereign, We your They address against the De-Majesty's most faithful and loyal Subjects, the Commons claration for Inassembled in Parliament, do in the first Place, as in all dulgence. Duty bound, return your Majesty our most humble and hearty Thanks for the many gracious Promifes and Assurances, which your Majesty hath several Times (during this present Parliament) given unto us, That your Majesty would fecure and maintain unto us the true Reformed Protestant TOME I. Religion,

Bono 25 Car. II. Religion, our Liberties and Properties; which most gracious Affurances, your Majesty hath, out of your great Goodness, been pleas'd to renew unto us, more particularly at the Opening of this present Session of Parliament. And further we crave Leave humbly to represent, That we have, with all Duty and Expedition, taken into our Confideration several Parts of your Majesty's last Speech to us, and withal the Declaration therein mention'd for Indulgence to Diffenters, dated the 15th Day of March last: And we find ourselves bound in Duty to inform your Majesty, That Penal Statutes in Matters ecclefiaftical cannot be fulpended but by Act of Parliament. We therefore, the Knights, Citizens and Burgesses of your Majesty's House of Commons, do most humbly beseech your Majesty, That the Laws may have their free Course, until it shall be otherwise provided for by Act of Parliament: And that your Majesty would be graciously pleas'd to give such Directions herein, That no Apprehensions or Jealousies may remain in the Hearts of your Majefty's good and faithful Subjects. This Address was deliver'd to the King on the 19th of

Importance, and therefore he would return his Answer in Writing. Accordingly, four Days after, he fent this Anfwer to the House. 'Charles Rex. His Majesty hath receiv'd an Address from you, and hath seriously consider'd of it, and returneth you this Answer: That he is very much troubled That that Declaration, which he put out for Ends

February; to which his Majesty answer'd, 'That it was of

· fo necessary to the Quiet of this Kingdom, especially in that · Conjuncture, should prove the Cause of Disquiet, and give · Occasion to the questioning of his Power in Ecclesiastics, b

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which he finds not done in the Reigns of any of his Anceflors. He is fure be never had Thoughts of using it otherwise,

than as it hath been entrusted in him, to the Peace and Establishment of the Church of England, and the Ease of all his Subjects in general: Neither doth he pretend to

fuspend any Laws, wherein the Properties, Rights or Liberties of any of his Subjects are concern'd, nor to alter any thing in the establish'd Doctrine or Discipline of the

· Church of England: But his only Defign in this was to take off the Penalties the Statutes inflict upon the Diffenters, and

which he believ'd, when well confider'd of, you yourselves would not wish executed according to the Rigour and

Letter of the Law: Neither hath he done this with any · Thought of avoiding or precluding the Advice of his Par-

· liament; and if any Bill shall be offer'd him, which shall

appear more proper to attain the aforefaid Ends, and fecure the Peace of the Church and Kingdom, when tender'd in

due Manner to him, he will shew how readily he will

The King's Answer.

concur in all Ways that shall appear good for the Good of Anno 25 Car. II. 1672-3the Kingdom.

The Commons immediately came to this fhort Resolution, That the Thanks of this House be return'd to his Majesty, for his gracious Affurances, and Promises in his Answer to the Addreis. But, being still dissatisfy'd, they took the said Message intoConsideration again; and, after some little Debate (in which a Paffage from his Majesty's Speech of Feb. 18, 1660. was read, viz. 'If the Diffenters will demean themselves peaceably and modestly under the Government, I could heartily wish, I had fuch a Power of Indulgence to use upon Occasion, as might not needlesly force them out of the Kingdom, or, flaying here, give them cause to conspire against the Peace

of it.') Agreed upon the following second Address:

' Most gracious Sovereign, We your Majesty's humble The Commons and loyal Subjects, the Knights, Citizens, and Burgeffes in Second Address, Parliament assembled, do render to your Sacred Majesty our most dutiful Thanks, for that, to our unspeakable Comfort, your Majesty hath been pleased to reiterate to us those gracious Promises and Assurances of maintaining the Religion now established, and the Liberties and Properties of your People: And we do not, in the least measure doubt but that your Majelty had the fame gracious Intentions in giving Satisfaction to your Subjects, by your Answer to our last Petition and Ad-Yet, upon a serious Confideration thereof, we find, That the faid Answer is not sufficient to clear the Apprehenfions, that may justly remain in the Minds of your People. by your Majesty's having claim'd a Power to suspend Penal Statutes in Matters Ecclefiaftical; and which your Majesty does still seem to affert in the said Answer, to be entitled in the Crown, and never question'd in any of the Reigns of your Ancestors: Wherein we humbly conceive, That your Majesty hath been much mis-informed; fince no such Power was ever claim'd, or exercis'd by any of your Majesty's Predeceffors: And, if it should be admitted, might tend to the interrupting the Free Course of the Laws, and Altering the Legislative Power, which hath always been acknowledg'd to reside in your Majesty, and your two Houses of Parliament. We do, therefore, with unanimous Consent, become again most humble Suitors to your Sacred Majesty, That you would be pleased to give us a full and satisfactory Answer to our faid Petition and Address; and that your Majesty wou'd take such effectual Order, That the Proceedings in this Matter, may not, for the future, be drawn into Consequence, or Example.

The King's Answer to this Address was, 'It is of Con-

' fequence, and I will take it into Consideration.'

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Mr. Alderman
Love opposes
the Declaration, &c.

In the midst of these vigorous Proceedings with regard to the King's Declaration, it was observ'd to the Honour of Alderman Love, a City Member, That, altho' a Diffenter himself, he stiffly opposed the Indulgence; warmly declaring, that he had much rather still go without their defired Liberty, than have it in a Way that wou'd prove so detrimental to the Nation. And when, by the Infligation of Lord Clifford, a Motion was made in favour of the Diffenters, with a defign to embroil the House, a Stop was put to it, at his Instance; That nothing (as he express'd himself) with relation to them might intervene, to stop the Security that the Nation, and the Protestant Religion, might have by that new Act. He was seconded in this by his whole Party, and their Behaviour on the Occasion was look'd upon to be so meritorious, that a Bill was brought in for their Relief in Matters of Religion, confifting of the following Heads:

An Act defign'd for the Ease of the Diffenters.

1. That Ease shall be given to his Majesty's Protestant-Subjects, Dissenters in matters of Religion, who shall subscribe the Articles of the Doctrine of the Church of England, and shall take the Oaths of Allegiance and Supremacy. 2. That the faid Protestant-Subjects be eas'd from all Pains and Penalties for not coming to Church. 2. That the Clause in the late Act of Uniformity for declaring the Asfent and Consent, be taken away by this Bill. 4. faid Protestant-Subjects be eas'd from all Pains and Penalties for meeting together for Performance of any Religious Exercise. 5. That every Teacher shall first give Notice of the Place where he intends such his Meeting, to the respective Quarter-Sessions; where in open Court he shall first make fuch Subscription, and take such Oaths as aforesaid, and receive from thence a Certificate thereof, where all fuch Proceedings shall remain upon Record. 6. That any such Teacher may exercise as aforesaid until the next respective Quarter-Sessions, and no longer, in Case he shall not first take the Oaths, and make such Subscription before two of the neighbouring Justices of the Peace; and shall first give them Notice of the Place of this intended Meeting, and take Certificate thereof under the faid Justices Hand; a Duplicate whereof they are to return into the next Quarter-Sef-7. That the Doors and Passages of all Houses and Places where the faid Differers do meet, shall be always open and free, during the Time of fuch Exercise. 8. That if any Diffenter refuse to take Church-Wardens Oaths, that then he shall find them another fit Person, who is no Diffenter, to execute that Office, and shall pay him for his At the same time it was ordered, 'That a Bill be prepared and brought in to enjoin all Perfons that are in Ecclesiastical Preferments, to Catechise and Instruct the Youth

Another for Catechifing of Youth. Youth within their several Parishes and Places of Incum- Anno 25 Car.IL bency every Sunday in the Afternoon, in the Church-Catechism, and to explain the same; and to expound thereupon to the Congregation.' The first of these Bills was stopt in the House of Lords, and the second was never compleated: But, in the mean while, both Houses unanimously joined in the following Address to his Majesty; 'We, your Majesty's An Address of most dutiful and loyal Subjects, the Lords Spiritual and Tem- both Houses aporal and Commons in this present Parliament assembled, be- gainst Papists ing very sensible of the great Dangers and Mischiess that and Jesuits, may arise within this your Majesty's Realm, by the Encrease of Popish Recusants amongst us; and considering the great Refort of Priefts and Jesuits in this Kingdom, who daily endeavour to seduce your Majesty's good Subjects from their Religion and Allegiance, and how much your loyal Subjects are disheartned to see such Popish Recusants admitted into Employments of great Trust and Profit, and especially into Military Commands over the Forces now in your Majesty's Service; and having a tender Regard to the Preservation of your Majesty's Person, and the Peace and Tranquility of this Kingdom, in all Humility defire, 1. That your Majesty would be pleased to iffue out your Royal Proclamation to command all Priests and Jesuits (other than fuch, as, not being natural born Subjects, are oblig'd to attend upon your Royal Confort the Queen) to depart within thirty Days out of this your Majesty's Kingdom: And that if any Priest or Jesuit shall happen to be taken in England, after the Expiration of the faid Time, that the Laws be put in execution against them; and that your Majesty wou'd please in the said Proclamation to command all Judges, and other Officers, to put the faid Laws in execution. 2. That your Majesty wou'd likewise be pleas'd, That the Lord Chancellor of England shall, on or before the 25th of March instant, issue out Commissions of Dedimus Potestatem to the Judge-Advocate and Commissaries of the Musters, and fuch other Persons as he shall think fit, to tender the Oaths of Allegiance and Supremacy to all Officers and Soldiers, now in your Majesty's Service and Pay; and that such as refuse the said Oaths, may immediately be disbanded, and not allow'd to continue in any Pay or Pension; and that the Chancellor shall require due Returns to be made thereof, within some convenient Time after issuing out of the said Commissions. 3. That the Commissions of the Musters be commanded and enjoin'd by your Majesty's Warrant, upon the Penalty of losing their Places, not to permit any Officer to be muster'd in the Service and Pay of his Majesty, until he hath taken the Oaths of Allegiance and Supremacy, and receiv'd the Sacrament of the Lord's Supper, according to the Usage of the Church of England; and that every Soldier

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has a Cor. 11. Shall take the said Oaths before his first Muster, and receive the Sacrament in like manner before his fecond Muster. And this we present in all Dutifulness to your Majesty's Princely Wisdom and Consideration, as the best Means for fatisfying and composing the Minds of your loyal Subjects; humbly defiring your Majesty graciously to accept of this our Petition, as proceeding from Hearts and Affections entirely devoted to your Majefty's Service, and to give it your Royal Approbation. The King's Answer was as follows:

His Majeffy's Answer.

I do heartily agree to the Matter of your Address, and shall give speedy Order to put it in Execution; but hope it was not meant in the Parts thereof, that it should extend to the Forces to be employ'd immediately beyond the Seas.

His Speech to both Houses.

The next Day, March the 8th, his Majesty went to the House of Lords, and fending for the Commons, he made this following Speech to both Houses. ' My Lords and Gentlemen, Yesterday you presented me with an Address, as the best Means for the fatisfying and composing the Minds of my Subjects; to which I freely and readily agree, and shall take care to fee it perform'd accordingly. I hope, on the other fide, you Gentlemen of the Houle of Commons, will do your Part; for I must put you in mind, it is near five Weeks fince I demanded a Supply; and what you voted unanimously upon it, did both give Life to my Affairs at home, and disheartned my Enemies abroad: But the feeming Delay it hath met with fince, hath made them take new Courage, and they are now preparing for this next Summer a greater Fleet, as they fay, than ever they had yet; so that if the Supply be not speedily dispatch'd, it will be altogether ineffectual; and the Safety, Honour and Interest of England must of necessity be expos'd. · Pray lay this to heart, and let not the Fears and Jealousies. of some draw inevitable Ruin upon us all. My Lords and Gentlemen, if there be any Scruple yet remaining with you concerning Suspension of penal Laws, I here faithful-Iy promise you, that what hath been done in that particular, fhall not for the future be drawn into Example and Confequence. And as I daily expect from you a Bill for my Supply, so I assure you, I shall as willingly receive and pass any other you shall offer me, that may tend to the giving you Satisfaction in all your just Grievances. 'In Confirmation of this Speech, Mr. Secretary Coventry gave the House to understand that his Majesty had ordered the Declaration to be vacated, and that he had feen the Seal taken off according-All which was fo pleafing and obliging to the Parliament in general, that both Houses join'd in the following Vote,

The Declaration of Indulgence cancell'd. Vote, Resolved nemine contradicente, That the humble and Annoaccar. H. hearty Thanks of these Houses be return'd to his Majesty, for his gracious full and satisfactory Answer this Day given to their humble Petitions and Addresses. This was declared to the King in the Banqueting-House, by the Mouth of the Lord Chancellor at the head of both Houses; to which his Majesty made this Answer, ' My Lords and Gentlemen, I hope there never will be any Difference amongst us; I affure you there shall never be any Occasion on my Part.

Their Thanks

These Answers did not hinder the House from proceeding to the Redress of Grievances: For on the 18th the King's Letter and Proclamation regarding Ireland being read, whereby several Licences were given to all Papists to live in Corporations and exercise their Trades there with all Privileges, &c. it was resolved that an Address should be prefented to his Majesty on that Head; as likewise, another on the Subject of Grievances in England. But while these were in Agitation, Mr. Secretary Coventry was ordered to acquaint the House, 'That his Majesty intended them a Recess on the 28th Instant.' But this not taking the defired Effect, a written Message was sent by the said Secretary on the 24th. which was as follows:

Charles Rex.

'I am commanded by his Majesty, in pursuance of his The King's late Message, to acquaint you that his Majesty intends you Message to the shall rise before Easter, and therefore expects an Expedi- House. ' tion of fuch Bills as are of most Importance; the Bill of Popery, and that of Supply particularly: And for fuch other Bills as concern either the Public or Particular, I cannot be so soon ready. That they may not receive a Disappointment, his Majesty resolves to make this an Adjournment 'till the Beginning of October, when you may continue their Profecution; in the mean time his Majesty will take such Care of the Protestant Religion, that you shall have no ' Cause to complain.'

But neither had this Message any more Influence than the last: But the House proceeded with two Addresses relating to Grievances as follows:

The first is, ' Most gracious Sovereign, We your Ma- The Commons jesty's most loyal Subjects, the Commons in this present Par- Address conhiament affembled, conceiving ourselves bound in necessary cerning Grie-Duty to your Majesty, and in Discharge of the Trust re-pos'd in us, truly to inform your Majesty of the Estate of this your Kingdom; and tho' we are abundantly fatisfy'd, that it hath been always your royal Will and Pleasure, that your Subjects should be govern'd according to the Laws and Customs

Anno 25 Car. II. Customs of these Realms; yet finding, that contrary to your 1673-3. Majesty's gracious Intentions, some Abuses and Grievances are crept in, we crave Leave humbly to represent them to your Majesty's Knowledge; and to desire, 1. That the Impolition of Twelve Pence per Chaldron upon Coals, for providing of Convoys, by virtue of an Order of Council, dated the 15th of May 1672, may be recall'd, and all Bonds taken by virtue thereof, cancell'd. 2. That your Majefty's Proclamation of the 4th of December 1672; for preventing Disorders which may be committed by Soldiers, and whereby the Soldiers now in your Majesty's Service are in a manner exempted from the ordinary Course of Justice, may like wise be recall'd. 3. And whereas great Complaints have been made out of the feveral Parts of this Kingdom of divers Abuses committed in Quartering of Soldiers, That your Majesty would be pleas'd to give Order to redress those Abuses; and in particular, That no Soldiers be hereafter quarter'd in any private Houses; and that due Satisfaction may be given to the Inn-Keepers and Victuallers where they lie, before they remove. 4. And fince the Continuance of Soldiers in this Realm will necessarily produce many Inconveniences to your Majesty's Subjects, We do humbly present it as our Petition and Advice, That when the present War is ended, all the Soldiers that have been rais'd fince the last Session of Parliament, may be disbanded. 5. That your Majesty would likewife be pleas'd to confider of the Irregularities and Abuses in pressing Soldiers, and give Order for the Prevention thereof for the future. 6. And altho' it hath been the Course of former Parliaments to defire Redress in their Grievances, before they proceeded to give a Supply; yet we have fo full Affurance of your Majesty's Tenderness and Compassion towards your People, that we humbly profrate ourselves at your Majesty's Feet with these our Petitions, desiring your Majesty to take them into your Princely Consideration, and to give fuch Orders for the Relief of your Subjects, and the removing these Pressures, as shall seem best to your Royal Wisdom.

Another concerning Grievances in Ireland.

The Second concerning Ireland was as follows: ' Most Gracious Sovereign, We your Majesty's most loyal Subjects, the Commons in this present Parliament assembled, taking into Confideration the great Calamities which have formerly befallen your Majesty's Subjects of the Kingdom of Ireland from the Popish Recusants there, who for the most part are profes'd Enemies to the Protestant Religion, and the English Interest, and how they making ill Use of your Majesty's gracious Disposition and Clemency, are at this Time grown more infolent and prefumptuous than formerly, to the apparent Danger of that Kingdom, and your Majesty's Protestant Subjects there, the Confequence whereof may like wife prove very

fatally prevented: And having seriously weigh'd what Re- Anno 25 Car. M. medies may be most properly apply'd to these growing Distempers, do in all humility present your Majesty with these our Petitions. 1. That, for the establishing and quieting the Possessions of your Majesty's Subjects in that Kingdom, your Majesty would be pleas'd to maintain the Act of Settlement, and Explanatory Act thereupon, and to recall the Commission of Enquiry into Irish Affairs, bearing date the 17th of January last, as containing many new and extraordinary Powers, not only to the prejudice of particular Persons, whose Estates and Titles are thereby made liable to be question'd; but in a manner to the overthrow of the Acts of Settlement; and, if pursu'd, may be the occasion of great Charge and Attendance to many of your Subjects in Ireland, and shake the Peace and Security of the whole. 2. That your Majesty wou'd give Order, that no Papist be either continu'd, or hereaster admitted to be Judges, Justices of the Peace, Sherists, Coroners or Mayors, Sovereign or Port-Reeves in that Kingdom. 3. That the Titular Popish Arch-bishops, Bishops, Vicars-General, Abbots, and all other exercifing Ecclefiaftical Jurisdiction by the Pope's Authority, and in particular, Peter Talbot, pretended Archbishop of Dublin, for his notorious Disloyalty to your Majesty, and Disobedience and Contempt of your Laws, may be commanded by Proclamation forthwith to depart out of Ireland, and all other your Majesty's Dominions, or otherwise to be prosecuted according to Law. And that all Convents, Seminaries, and public Popish Schools may be dissolv'd and suppress'd, and the Regular Priests commanded to depart under the like Penalties. 4. That no Irish Papist be admitted to inhabit in any Corporation in that Kingdom, unless duly licens'd according to the foresaid Acts of Settlement; and that your Majesty wou'd be pleas'd to recall your Letters of the 26th of February 1671, and your Proclamation thereupon, whereby general Licence is given such Papists as inhabit in Corporations there. 5. That your Majesty's Letters of the 28th of September 1672, and the Order of Council thereupon, whereby your Subjects are required not to profecute any Actions against the Irish for any Wrongs or Injuries committed during the late Rebellion, may likewise be recall'd. 6. That Colonel Richard Talbot, who hath notoriously affum'd to himself the Title of Agent for the Roman Ca-tholics in Ireland, be immediately dismiss'd out of all Command, either civil or military, and forbid any Access to your Majesty's Court. 7. That your Majesty wou'd be pleas'd, from Time to Time, out of your Princely Wisdom, to give such further Orders and Directions to the Lord-Lieutenant, as may best conduce to the Encou-TOME I. ragement

1673.

Anno 25 Car. II, ragement of the English Planters, and Protestant Interest. and the Suppression of the Insolencies and Disorders of the Irish Papists there. These our humble Desires we present to your Majesty, as the best Means to preserve the Peace and Safety of that your Kingdom, which hath been so much of late in danger from the Practices of the said Irish Papifts, and particularly of the faid Richard and Peter Talbot. And we do not doubt but your Majesty will find the happy Effects thereof, to the great Satisfaction and Security of your Government and Person, which of all earthly things is most

> These two Addresses being presented to the King, his Majesty immediately return'd this following obliging Answer,

dear to us your Majesty's most loyal Subjects.

The King's Answer.

Thanks voted.

Acts pass'd.

by way of Message; 'That he observed the Addresses con-fisted of many different parts, therefore it cou'd not be expected there shou'd be a present Answer: But for the feveral particular things contain'd in them, he would, before the next Meeting, take such effectual Care, that no Man shou'd have Reason to complain.' With which the House thought themselves and the Nation so well secured, that they presently Voted, ' That the humble Thanks of the House be presented to his Majetty, for the often Accesses they have been admitted to his Majesty's Person; and for his most gracious Answers to the several Addresses of this House; and particularly for the last gracious Message, and for the Care he hath declared he will take of the Protestant Religion.' The Money-Bill immediately pass'd, but under the Title of a Supply of his Majesty's Extraordinary Occafions; and with a particular Proviso tack'd to it, That no Papists shou'd be capable of holding any public Employment. On the 29th of March, before the Bill in favour of Protestant Dissenters, and some others cou'd be finish'd, the King came to the House of Peers, and, besides the Money-Bill, pass'd nine public Acts, viz. I. An Ast for the King's Majesty's most gracious, general, and free Pardon, but with many Exceptions. 2. An A.T continuing a former Act concerning Coinage. 3. An Act for enabling his Majesty to make Leases of his Lands belonging to the Dutcky of Cornwall. 4. An Act for preventing Dangers which may happen from Popish Recusants. 5. An Act for reviving the Judicature for the Determination of Differences touching Houses burnt down by the late Fire, &c. 6. An Act for taking off Aliens Duties upon Commodities of the Growth and Manufactures of this Nation. 7. An Act for encouraging the Greenland Trades, and for the better securing the Plantation Trades, 8. An AEt for Repeal of a Clause in a former AEt to probibit The End of the Sales-men from Selling fat Cattle. 9. An ASt to enable the County Palatine of Durham to fend Knights and Burgeffes to serve in ing of the fecond Parliament. Upon passing these Bills, the King adjourn'd the Parliament to the 20th of October.

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eleventh Meet-Parliament.

On the faid 20th Day of October, the Parliament met accord- Anno 25 Car. II. ing to their Adjournment, when the Commons shewed their Disgust against several Proceedings, and presently voted, That an Address be made to his Majesty, to acquaint his fion of the se-Majesty, that it is the humble Desire of this House, that the cond Parliaintended Marriage of his Royal Highness with the Dutchess ment, of Modena, be not confummated; and that he may not be marry'd to any Person but of the Protestant Religion." which, the King immediately prorogu'd the Parliament to the 27th of the same Month. When his Majesty, without shewing any particular Displeasure, from the Throne made this following Speech:

' My Lords and Gentlemen,

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Thought this Day to have welcomed you with an ho- The King's nourable Peace: My Preparations for the War, and Speech to both Condescensions at the Treaty, gave me great Reason to Houses. believe so; but the Dutch have disappointed me in that Expectation, and have treated my Amballadors at Cologne with the Contempt of Conquerors, and not as might be expected from Men in their Condition. They have other 'Thoughts than Peace. This obligeth me to move you again for a Supply; the Safety and Honour of the Nation 'necessarily requiring it. It must be one proportionable to the Occasion; and I must tell you besides, that, if I have it not speedily, the Mischief will be irreparable in my ' Preparations for the next Spring. The great Experience 'I have had of you, Gentlemen of the House of Commons, will not fuffer me to believe, that the Artifices of our Ene-' mies can possibly divert you from giving me this Supply, or that you can fail of adjusting the Proportion of it. ' hope I need not use many Words to persuade you, that I am steady in maintaining all the Professions and Promises 'I have made you concerning Religion and Property: And 'I shall be very ready to give you fresh Instances of my Zeal, for preserving the establish'd Religion and Laws, as ' often as any Occasion shall require. In the last place, I am ' highly concern'd to commend to your Confideration and Care, the Debt I owe the Goldsmiths, in which very many other of my good Subjects are involv'd: I heartily recommend their Condition to you, and defire your Aifistance for their Relief. There is more that I wou'd have 'you inform'd of, which I leave to the Chancellor.'

Chancellor made the following The Lord Accordingly, the My Lords, and you the Knights, Citizens Chan ellor and Burgesses of the House of Commons, His Majesty Shaftesbury's had reason to expect that he should have more with had reason to expect that he should have met you with

1673.

Ango 25 Car. II. the Olive-Branch of Peace: His Naval Preparations, greater than in any former Years, together with his Land-Forces he had ready for any Occasion, gave him Assurance to obtain it before this Time: And the rather, because his Aims were not Conquest, unless by Obstinacy enforc'd: but his Condescensions at the Treaty have been so great, that the very Mediators have declared they were not reasonably to be refus'd. He cou'd not be King of Great Britain without fecuring the Dominion and Property of his own Seas; the first by an Article clear, and not elusory of the Flag; the other, by an Article that preserv'd the Right of the Fishing, but gave the Dutch Permission, as Tenants, under a small Rent, to enjoy, and continue that Gainful Trade upon the Coafts. The King was oblig'd, for the Security of a lafting Peace, as also by the Laws of Gratitude and Relation, to fee the House of Orange settled, and the Lovestein, that Carthaginian Party, brought down. Neither in this did the King infift beyond what was moderate, and agreeable to their Government, and what the Prince's Ancestors enjoy'd amongst them. Besides these, it was necessary to the Trade of England, that there shou'd be a fair Adjustment of Commerce in the East-Indies; where the King's Demands were reasonable, and according to the Law of Nations; and their Practice of late Years hath been Exorbitant and Oppressive, suitable only to their Power and Interest, and destructive, if continu'd, to our East-India Company. These were all, of any Moment, the King insisted on; as judging right, that that Peace that was Reasonable, Just and Fair to both Parties, wou'd be facred and durable. And that by this Means, he shou'd depress the Interest and Reputation of that Lovestein Party amongst them, who suck'd in with their Milk an Inveterate Hatred to England, and transmit it to their Posterity, as a distinguishing Character wherein they place their Loyalty to their Country.

'In return to this candid, and fair Proceeding on the King's part, his Majesty assures you, he hath receiv'd nothing but the most scornful and contemptuous Treatment imaginable; Papers deliver'd in to the Mediators, own'd by them to be fluff'd with fo unhandsome Language, that they were asham'd, and refus'd to shew them; never agreeing to any Article about the Flag, that was clear or plain; refufing any Article of the Fishing, but such a one, as might sell them the Right of Inheritance, for an inconfiderable Sum of Money, tho' it be a Royalty so inherent to the Crown of England, that I may fay (with his Majesty's Pardon for the Expression) he cannot sell it. The Article of the Prince of Orange, and the Adjustment of the East-India Trade, had neither of them any better Success: And, to make all of a

piece, they have, this last Week, sent a Trumpeter with an Anno 25 Car. II. Address to his Majesty, being a Deduction of their several Offers of Peace, as they call them, and their Desires for it now; but it is, both in the penning and the timing of it, plainly an Appeal to his Majesty's People against himself: And the King hath commanded me to tell you, He is refolv'd to join Issue with them, and print both their Address, and his Answer, that his People and the World may see how notorious Falshoods and Slights they endeavour to put upon Him. In a word, in England, and all other Places, and to all other Persons in the World, they declare they offer all things to obtain a Peace from the King of England: but to himself, his Ministers, the Mediators, or his Plenipotentiaries, it may with Confidence and Truth be affirm'd. that, to this day, nay even in this last Address, they have offer'd nothing. They desire the King's Subjects would believe they beg for Peace, while their true Request is, only to be permitted to be Malters of the Seas; which they hope, if they can fubfift at Land, length of Time may give them; and, if once got, is never to be loft; nor can it be bought by any State or Empire at too great a Rate. And what Security their Agreement with us in Religion will afford. when they shall have the Power, former Instances may give Demonstration of. Joint Interests have often secured the Peace of differing Religions, but agreeing Professions have hardly an Example of preserving the Peace of different Interests.

'This being the true and natural State of Things, his Majesty doth with great Assurance throw himself into the Arms of you his Parliament, for a Supply fuitable to this great Affair he is engag'd in. When you consider we are an Island, 'tis not Riches nor Greatness we contend for; yet those must attend the Success; but it is our very Beings are in question: We fight pro Aris & Focis in this War. are no longer Free-Men, being Islanders, and Neighbours, if they mafter us at Sea. There is not so lawful or commendable Jealousy in the World, as an English-Man's, of the growing Greatness of any Prince or State at Sea. If you permit the Sea, our British Wife, to be ravish'd, an eternal Mark of Infamy will stick upon us: Therefore I am commanded earnestly to recommend to you, not only the Proportion, but the Time of the Supply. For unless you think of it early, it will not be serviceable to the chief End of setting out a Fleet betimes the next Spring. As for the next Part of the King's Speech, I can add nothing to what his Majesty hath said. For as to Religion and Property, his Heart is with your Heart, perfectly with your Heart. He hath not yet learned to deny you any thing; and he believes your Wisdom and MoAnno 25 Car. II. deration is fuch, he never shall. He asks of you to be at 1673. peace in Him, as he is in You, and he shall never deceive

'There is one Word more, I am commanded to fay concerning the Debt owing to the Goldsmiths: The King holds himself in Honour and Conscience oblig'd to see them fatisfy'd. Besides, you all know how many Widows, Orphans and particular Persons, this public Calamity hath overtaken; and how hard it is, That so disproportionable a Burden shou'd fall upon them, even to their utter Ruin. The whole Case is so well and generally known, that I need fay no more. Your Great Wisdom hath not done it at the first, peradventure that the Trade of the Bankers might be suppressed; which End is now attained: So that now your Great Goodness may restore to those poor People, and the many innocent ones that are concern'd with them, fome Life and Assurance of Payment in a competent Time. My Lords and Gentlemen, I have no more in Command, and therefore I shall conclude with my own hearty Prayers, that this Session may equal, nay exceed the Honour of the last; That it may perfect what the last begun for the Safety of this King and Kingdom; That it may be for ever famous for having establish'd, upon a durable Foundation, our Religion, Laws and Properties; That we may not be tols'd with boisterous Winds, nor overtaken by a sudden, dead Calm: But that a gentle, fair Gale may carry you in a steady, even, and resolv'd Way into the Ports of Wisdom and Security.

The Speech ended, and the Commons return'd to their House, they were so affected with the Thoughts of Popery, that the first thing they resolv'd was a more than ordinary Solemnization of the Fifth of November, and that Dr. Stillingfleet be the Preacher. Then, appointing a Grand Committee for Religion, Grievances, Trade, and Courts of Justice, they adjourn'd themselves till the 30th Instant. On which Day, Mr. Secretary Coventry brought from his A Message from Majesty the following Answer to their Address concerning

Commons.

the King to the the Duke of York, and his intended Marriage: 'C.R. ' His Majesty having receiv'd an Address from the House of ' Commons, presenting their humble Desire that the intended 'Marriage betwixt his Royal Highness and the Princess of ' Modena may not be confummated, commanded this An-' fwer to be return'd, That he perceiv'd the House of Com-' mons have wanted a full Information of this Matter, the ' Marriage not being barely intended, but compleated according to the Forms used amongst Princes, and by his ' Royal Consent and Authority: Nor cou'd he in the least

fuppose it disagreeable to this House of Commons, his Royal

Highness having been in the View of the World for se- Anno 25 Car. II. veral Months engag'd in a Treaty of Marriage with another

Catholic Princess, and yet a Parliament held during the Time, and not the least Exception taken at it. They were not fatisfied with this Answer; And, therefore immediately voted to draw up another Address, with particular Reasons against the Marriage; and the same Day voted, 'That a Bill shou'd be prepar'd for a General Test betwixt Protestants A general Test and Papifts, and those that refus'd to take it, shou'd be in- Voted. capable of bearing any Office Military or Civil, or to fit in Parliament, or to come within five Miles of the Court.' They likewise went on with a Bill for Repair of Churches, and for the better recovery of small Tythes.

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Upon Friday the 31st of October the House of Commons first took into their Consideration his Majesty's Speech, and after a long and ferious Debate in a grand Committee, they finally Refolv'd, 'That the House, considering the present Their grand Re-Condition of the Nation, will not take into any further De- folve. bate the Confideration of any Aid or Supply, or Charge upon the Subject, before the Time of Payment of the eighteen Months Affessment, granted by a late Act of Parliament, entitled, An Act for raising the Sum of twelve hundred thirty eight thousand seven hundred and fifty Pounds, be expired; except it shall appear that the Obstinacy of the Dutch shall render it neceffary; nor before this Kingdom be effectually fecured from Popery and Popish Counsellors, and the other present Grievances be redressed.' At the same time they order'd an Address to be presented to his Majesty, for a general Fast to be observed throughout the Nation.

The Address against the Duke's Marriage, was as fol- Their particular lows: 'We your Majesty's most humble and loyal Sub- Address against jects, the Commons in this present Parliament assembled, be- the Duke's ing full of Assurance of your Majesty's gracious Intentions Marriage.]
to provide for the Establishment of Religion, and the Prefervation of your People in Peace and Security; and forefeeing the dangerous Consequences which may follow the Marriage of his Royal Highness the Duke of York with the Princess of Modena, or any other of the Popish Religion; do hold ourselves bound in Conscience and Duty to represent the same to your Sacred Majesty, not doubting but those constant Testimonies which we have given your Majesty of our true and loyal Affections to your facred Person, will eafily gain a Belief that these our humble Desires proceed from Hearts still-full of the same Affections towards your Sacred Majesty, and with Intentions to establish your royal Government upon those true Supports of the Protestant Religion, and the Hearts of your People; with all Humility defiring your Majerty to take the same into your

Princely

Anno 25 Car. II, Princely Confideration, and to relieve your Subjects from those Fears and Apprehensions which at present they lie under, from the Progress that hath been made in that Treaty. We do therefore humbly befeech your Majesty to consider, I. That if this Match do proceed, it will be a Means to disquiet the Minds of your Protestant Subjects at home, and to fill them with endless Jealousies and Discontents; and will bring your Majesty into such Alliances abroad, as will prove highly prejudicial, if not destructive, to the Interest of the very Protestant Religion itself. 2. We find by sad Experience, that such Marriages have increas'd and encourag'd Popery in this Kingdom, and given Opportunity to Priests and Jesuits to propagate their Opinions, and seduce great Numbers of your Majesty's Subjects. 2. We do already observe how much the Party is animated with the Hopes of this Match, which were lately discourag'd by your gracious Concessions in the last Meeting of this Parliament. 4. We greatly fear this may be an Occasion to lessen the Affections of the People to his Royal Highness, who is so nearly related to the Crown, and whose Honour and Esteem we desire may always be entirely preferv'd. 5. That for another Age more, at least, this Kingdom will be under the continual Apprehensions of the Growth of Popery, and the Danger of the Protestant Religion. Lastly, We consider that this Princes, having so near a Relation and Kindred to many eminent Persons of the Court of Rome, may give them great Opportunities to promote their Defigns, and carry on their Practices amongst us, and by the same Means penetrate into your Majesty's most secret Counsels, and more easily discover the State of the whole Kingdom. And finding by the Opinions of very Learned Men, it is generally admitted, That such Treaties and Contracts by Proxy are dissolvable, of which there are several Instances to be produc'd; We do in all Humility befeech your Majesty to put a stop to the Consummation of this intended Marriage. And this we do the more importunately defire, because we have not as yet the Happiness to see any Issue of your Majesty that may succeed in the Government of these Kingdoms; which Blesling we most heartily pray Almighty God in his due Time to bestow upon your Majesty and these Kingdoms, to the unspeakable Joy and Comfort of all your Majesty's Loyal Subjects, who defire nothing more than to continue under the Reigns of your Majesty, and your Royal Posterity for ever.

To which Address his Majesty return'd this Answer, 'That it was a Matter he would take into his present Consideration, and would speedily return an Answer.' After which the Commons proceeded further, and voted the standing Army a Grievance; and accordingly they prepar'd an

The King's Answer.

Address to be made to his Majesty, shewing, That the stand- Anno 25 Car. II. ing Army was a Grievance, and a Burden to the Nation.' Having prepared this on the 4th of November, and deligning that Day to wait upon his Majesty with it, the King, Army voted a unexpectedly, and of a sudden, appear'd at the House of Grievance. Peers with his Robes and Crown. The Lords made all hafte to attend him, while the Usher of the Black-Rod was fent to the Commons, to command the Speaker and that House immediately to come up to his Majesty. But it happen'd that the Speaker and the Usher met both at the Door of the House of Commons; and the Speaker being got within the House, some of the Members suddenly shut the Door, and cry'd out, To the Chair, to the Chair! While others cry'd, The Black-Rod is at the Door! The Speaker was immediately hurry'd to the Chair, and then it was mov'd, I. That Other Grieour Alliance with France was a Grievance. 2. That the vances. evil Counsellors about the King were a Grievance; and, 2. That the Duke of Lauderdale was a Grievance, and not fit to be trufted or employ'd in any Office or Place of Truft. To which there was a general Cry, To the Question, to the Question! But the Black-Rod knocking earnestly at the Door, the Speaker leapt out of the Chair, and the House rose in great Confusion.

Being come into the House of Peers, the King from the The King pro-Throne made this following Speech to both Houses:

The flanding Grievance.

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' My Lords and Gentlemen,

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Need not tell you how unwillingly I call you hither at this Time, being enough sensible what Advantages my Enemies both abroad and at home will reap by the leaft ' Appearance of a Difference betwixt Me and my Parliament; nay, being affured they expect more Success from such a Breach (could they procure it) than from their Arms. This, I say, shall, while I live, be my chief Endeavour to prevent; and for that Reason I think it neceffary to make a fhort Recess, that all good Men may recollect themselves against the next Meeting, and con-' sider, Whether the present Posture of Asfairs will not rather require their Application to Matters of Religion, and Support against our only Competitors at Sea, than to Things of less Importance: and, in the mean time, I will not be wanting to let all my Subjects see, That no Care can be greater than my own, in the effectual Suppressing of Popery: And it shall be your Faults, if in your several Countries the Laws be not effectually executed against the 'Growth of it. I will not be idle neither in some Things which may add to your Satisfaction; and then I shall expect a suitable Return from you."

Having TOME 1.

Anno 26 Car. II. 1673-4.

Having spoke thus, he prorogu'd the Parliament to the

7th Day of January following:

Seffion of the fecond Pariiament.

When both Houses of Parliament met at Westminster, ac-The Thirteenth cording to the faid Prorogation, after a Recess of two Months and three Days; and the Session was opened by his Majefty on the Throne, with the Specels that enfues:

The King's Speech to both Houses,

' My Lords and Gentlemen, 7 Hen I parted with you last, it was but for a little Time, and with a Refolution of meeting fuddenly again. That alone was enough to fatisfy my Friends that they need not fear, and my Enemies that they could onot hope for a Breach between us. I then told you, That the Time of this short Recess should be employ'd in doing fuch Things as might add to your Satisfaction: I hope I have done my Part towards it; and if there be any thing else you think wanting to secure Religion or Property, there is nothing which you shall reasonably propose, but I shall be ready to receive it. I do now expect you should do your Parts too, for our Enemies make vigorous Prepa-' rations for War, and yet their chief Hopes are to distunite us at home; 'tis their common Discourse, and they reckon

upon it as their best Relief. ' My Lords and Gentlemen, It is not possible for me to doubt your Affections at any Time, much less at such a

Time as this, when the Evidences of your Affections are become so necessary to us all. I defire you to consider, that as the War cannot be made without a Supply, fo

e neither can a good Peace be had without being in a Poflure of War. I am very far from being in love with

War, for War's fake; but if I faw any likelihood of Peace without Dishonour to myself, and Damage to you, I would foon embrace it. But no Proposals of Peace have

' yet been offer'd with Intent to conclude, but only to amuse. Therefore the Way to a good Peace is to set out a good Fleet, which we have time enough to do very ef-

fectually, if the Supply be not delay'd. If after this a Peace should follow, yet the Supply would be very well

' given; for whatever remains of it, I am willing should be appropriated for building more Ships. To conclude, a

fpeedy, a proportionable, and above all a chearful Aid, is now more necessary than ever, and I rely upon you for

it. I lately put you in mind of my Debt to the Gold-' fmiths; I hope a fit Time will come to take that into Con-

fideration. I cannot conclude without shewing the entire Confidence I have in you. I know you have heard much

of my Alliance with France, and I believe it hath been

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very strangely misrepresented to you, as if there were Anno 26Car.II. certain fecret Articles of dangerous Consequence; but I make no difficulty of letting the Treaties, and all the Articles of them, without any the least Reserve, be seen by a small Committee of both Houses, who may report to you the true Scope of them: And I affure you there is no other Treaty with France, either before or fince, onot already printed, which shall not be made known. And having thus freely trusted you, I do not doubt but you will have a Care of my Honour, and the Good of the

Kingdom. The rest I refer to my Lord-Keeper.

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Accordingly the new Lord-Keeper, Sir Heneage Finch, The Lordlate Attorney-General, made a long and eloquent Speech, Keeper Finch's beginning thus: ' My Lords, and you the Knights, Citi- Speech. zens, and Burgesses of the House of Commons, the King hath already in part told you, what he hath done for you fince the last Recess, what he is still ready to do, and what it is he doth now expect from you: And this in Terms fo full and obliging, so generous and so satisfactory, that he whose Affections are not rais'd by that Discourse, he who cannot acquiesce in the Fulness of this Assurance, he whose Heart is not establish'd by it in such a Belief as may entirely dispose him to the Service of the Crown, will hardly be recover'd to a better Disposition by any other Expedient. For indeed what better Way can be found to undeceive those who have been abus'd? The King refers you to the Time past; not to his Promises, but to his Performances; gives Men leave to judge by what they fee, of what they hear; by what hath been done fince the last Session, of what is offer'd you now, and what is likely to be done for the Time to come. And doth not every Man fee that the King hath given new Life and Motion to fuch Laws as were long dead, or fast asleep? That he hath once more repaired the Hedge about our Vineyard, and made it a Fence against all those who are Enemies to the planting it, who would be glad to fee it trodden down, or rooted up, and study how to sap and undermine our very Foundations? Do we not fee that the King hath made it his Care and Buliness to do all that is possible to preserve our Civil Rights too; That he makes the Laws of his Kingdom the Measures not only of his Power but his Prudence; That he fuffers no Man to be wifer than the Laws; That he thinks he cannot judge of the Health or Sickness of his State by any better Indication than the Current of his Laws, and fuffers nothing to remain that may in the least hinder Justice from flowing in its due and proper Channel? To name a few Instances: If the Conviction of all Reculants, and bringing them under the Penal Laws, Aaz

Anno 26 Car. II. can suppress Popery: If, without staying for Forms of Law in Points of Conviction, the present forbidding of Papists, or reputed Papilts to come to Court, and the extending this Prohibition to his royal Palace at St. James's, be enough to discountenance them; if the not extending his Prerogative beyond its due Limits, can secure your Liberties; if his lessening and reducing all his Land Forces, and maintaining so few extraordinary, as will scarce be enough to man his Fleet this Summer, can extinguish the Fears of a standing Army; if a rigorous and severe Prosecution of all the Officers and Soldiers in his Majefty's Guards, when they mifbehave themseives towards the meanest Subjest, can secure your Properties; if the Abrogation of all the Privileges from Arrefts, claim'd by his Majesty's Servants extraordinary, who are very numerous, can prevent the Delays and Obstructions of Justice; Then furely his Majesty hath Reason to believe, that nothing is wanting which can lawfully be done, or modeffly be wish'd, either for your Satisfaction, or your Security. These are not single and transient Acts, but such as flow from Habits; these are not Leaves and Blossoms, but true, folid and lafting Fruits: Long, long! may that Royal Tree live and flourish, upon which these Fruits do grow. And yet his Majesty's Indulgence to you rests not here; he gives you leave to fludy and contrive your own Affurance: and if you think you want any further Security, if any thing has escap'd his Majesty's Care, who meditates nothing more than your Preservation, you see you have free Leave to make any reasonable Proposition, and his gracious Promise that he will receive it. This is a Satisfaction equal to all your Wishes. Now, if ever, your Joys are full; there wants no more to the Improvement of this Happiness, but the Wisdom of the Parliament to use these Advantages with due Moderation. If therefore upon Enquiry you shall think it needful to apply any other Remedies, it is extremely to be wish'd that those Remedies may be few, and withal, that they be gentle and easy too. For the Sick perish as often by too many Remedies, as by none at all; but none fall fo fatally and so finally, as they who, being enter'd into some Degrees of Convalescence, resolve to recover it in an Instant; and had rather make some great Effort, or try some bold Experiment upon themselves, than observe the Methods, or attend those gradual Progressions which are necessary to perfect that Health, and compleat that Recovery.

' I must not omit one Instance more of his Majesty's Care for you, and that is the great Industry and Application of Mind which his Majesty hath used all along, in hopes to have obtain'd by this Time, if it had been possible, an honourable and just Peace.' Then he made a large Deduction of the Dutch Averseness to Peace, their uncivil Anno 26 Car. II. Demeanour to the King's Plenipotentiaries at Cologne, and how indirectly they dealt with his Majesty in all the Overtures of Peace, by appealing to his own People, &c. After which he proceeded in these Words: 'I have done with these few Instances of his Majesty's Care, those of his Kindness are infinite; That which you heard this Morning is of a transcendent, and indeed a very surprising Nature; 'tis an Act of so entire a Confidence on his Majesty's part, that it can never be repaid by any other Tribute on your part, but that of a true and humble Affiance in him. I must now proceed to put you in mind, that there are some other things which his Majesty, with great Justice, and great Assurance, doth expect from you again. The first is a speedy and proportionable Supply; and this is of absolute Necessity both for War and Peace. His Majesty is well assured his Fleet is in fuch a Forwardness, that if the Supply come in any reasonable Time, you will find no Time hath been lost in the Preparation; and it was no small matter to bring it to that pass, that we may be as forward as our Enemies, if we please, or very near it. If the Supply be at all delay'd, it will have almost as ill Effect as if it were deny'd; for we may chance to be found like Archimedes, drawing Lines in the Duft, while the Enemy is entering into our Ports. And if the further Progress of this Fleet be stopp'd for want of your Concurrence, make account all Hopes of Peace are stopp'd too; for tho' the Fruit of War be Peace, yet it is fuch a Fruit as we must not hope to gather without our Arms in our Hands. It is not the Way to have a brave Peace, to shew ourselves weary of the War: Who ever trusted in the Good-Nature of their Enemies? It is a vigorous Assistance of the Crown that must make not only our Arms considerable, but our Treaties too. On the other fide, if the putting of ourselves into a good Posture of War shou'd produce a Peace, as possibly it may do; yet you will have the best Account of, your Supply your Hearts can wish, for his Majesty is content it be appropriated to the Building of more Ships: Therefore if the Discourse upon this Subject be a little more pressing than ordinary, you may be sure the Occasion is so There cannot be a higher Gratification of your Enemies, than to be backward in this Point; the very Opinion they have that you wou'd be fo, hath already done us fo much harm, that perhaps it is one great Cause of the Continuance of the War Had the Enemy despair'd of any Division here, 'tis likely his Proceedings had been more fincere, and our Peace had not been fo far off as now it feems to be. There is one Thing more the King hath mentioned to you, that is the Confideration of the Goldsmiths, which

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Anno 26 Car. II. involves so many Persons and Families, that the Concern Is little less than National: It is an Affair the King lays very much to heart, and hopes a proper Time will come when a

favourable Regard may be had to it.

' My Lords and Gentlemen, The King doth not only affure himself of your Affections at this Time, but from such Affections so known and so try'd as yours, he doth yet expect far greater Things than these. He doth expect that you should do your Endeavours to restore and improve the mutual Confidence between him and his People, and that you shou'd do it in such a degree that it may recover its full Strength, and quite extinguish all their Fears and Jealousies. For the King takes notice, that the Malice of his Enemies hath been very active in fowing fo many Tares, as are almost enough to spoil that Harvest of Love and Duty which his Majesty may justly expect to reap from the good Seed which he himself has sown. Among the venomous have been used, the Fears and Infinuations which Jealousies of Religion and Liberty are of the worst Sort, and the most dangerous Impressions. Certainly Malice was never more busy than it hath been in these Reports, and it hath been affifted by a great deal of Invention; but it is hoped that no Man's Judgment or Affections will be either mif-led or diffurb'd by fuch Reports. For Calumnies and Slanders of this nature are like Meteors in the Air; they may feem perhaps, especially to the Fearful, to be ill Prognosticks, and the direct Fore-runners of Mischief; but in themselves they are vain Apparitions, and have no kind of Solidity, no Permanence or Duration at all. For, after a little while, the Vapour spends itself, and then the base Exhalation quickly falls back into that Earth from whence it came. Religion and Liberty stand secured by the most facred Ties that are; nay, the King hath a greater Interest in the Preservation of both, than you yourselves: For as Religion, the Protestant Religion, commands your indifputable Obedience, so it is a just and lawful Liberty which fweetens that Command, and endears it to you. Let other Princes therefore glory in the most resign'd Obedience of their Vassals, his Majesty values himself upon the Hearts and Affections of his People, and thinks his Throne, when feated there, better establish'd than the most exalted Sovereignty of those who tread upon the Necks of them that rise up against them. Since the World flood, never had any King fo great a Cause to rest upon this Security. They were your Hearts that mourned for the Absence of the King: They were your Hearts and Affections which tir'd out all the late Usurpations, by your invincible Patience and Fortitude: It was you that taught our English World to see and know, that no Government cou'd be settled here, but upon the true Foundations of Honour

Honour and Allegiance. This, this alone made way for all Anno 26 Car. if the happy Changes which have follow'd. And yet Posterity will have cause to doubt, which was the greater Felicity of That Providence which restored the Crown, or the two, that which fent us fuch a Parliament to preserve it when it was restored. What may not the King now hope from you? What may not you affure yourselves from him! Can any thing be difficult to Hearts fo united, to Interests fo twisted and interwoven together, as the King's and yours are? Doubtless the King will surpass himself at this Time in endeavouring to procure the Good of the Kingdom; do but you excel yourselves in the continual Evidences of your Affections. and then the Glory of reviving this State, will be entirely due to this Session. Then they, who wait for the languishing and declension of the present Government, will be amazed to see so happy a Crisis, so blest a Revolution: And Ages to come will find cause to celebrate your Memories, as the truest Physicians, the wifest Counsellors, the noblest Patriots, and the best Session of the best Parliament, that ever King or Kingdom met with.

Notwithstanding these affecting Speeches, both Houses foon manifested their Discontent at the Continuance of the War with Holland, at the exorbitant Power of France, the Prevalence of Popish Counsels, &c. which they took care to fignify, by joining in an Address to his Majesty for a General Both Houses Falt, using these very Words: 'We your Majesty's most address for a loyal and obedient Subjects, &c. being passionately sensible of Fast. the calamitous Condition of this Kingdom, not only by reafon of the War wherein it is at present involv'd, but many other intestine Differences and Divisions amongst us, which are chiefly occasioned by the undermining Contrivances of Popish Recusants, whose Numbers and Insolencies are greatly of late increased, and whose restless Practices threaten a Subversion both of Church and State; all which our Sins have justly deserv'd, &c.' To which the King readily comply'd, and the 4th of February was appointed for the Day of

Humiliation.

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The House of Commons, proceeded with great Warmth Proceedings and Vigour; and first agreed That the humble and hearty gainst Popery. Thanks of this House be return'd to his Majesty for those Acts which he had done fince the last Prorogation, towards the suppressing and discountenancing of Popery, and for his gracious Promises and Assurances in his last Speech.' But when they proceeded to the Consideration of the Speech itfelf, which they did upon the same Day, they soon came to this grand Resolve, 'That the House will, in the first place, Resolutions to proceed to have their Grievances effectually redress'd, the redress Grie-Protestant Religion, their Liberties and Properties effectual-vances.

King to raife the Militia.

Anno 26 Car. U. ly secured, and to suppress Popery, and remove all Persons and Counsellors popishly affected, or otherways obnoxious or dangerous to the Government. Which being being done, to shew their further Detestation of Popery, they immediate-Address to the ly order'd an Address to his Majesty, 'That the Militia of King to raise the City of London, and County of Middlesex, may be in readiness at an Hour's Warning, and the Militia of all other Counties of England, at a Day's Warning, for suppressing of all tumultuous Infurrections, which may be occasion'd by Papifts, or any other malecontented Persons.' To which Address his Majesty made this gracious Answer: 'That he wou'd take a special Care, as well for the Preservation of their Persons, as of their Liberties and Properties.'

Proceedings against the Cabal.

The House, in the next place, proceeded to strike at three Members of the famous Cabal, which were Buckingham, Arlington and Lauderdale: They began at the last, and resolved, nemine contradicente, 'That an Address be prefented to his Majesty to remove the Duke of Lauderdale from all his Employments, and from his Presence and Counfels for ever, being a Person obnoxious and dangerous to the Government.' Soon after they debated upon some Heads of Accusation against the Duke of Buckingham; but, while the Debate continued, a Letter was fent from the Duke to the Speaker, requesting to be heard before that honourable House, which was granted, and he was admitted with great Ceremony on the 13th Day of January. When his Difcourse seem'd so loose and uncertain, that they resolved the next day to tye him down to some certain Queries, drawn up in Writing, to which he was to give distinct Answers. Accordingly the next Day he appear'd in great Splendor, and made this following Speech:

The Duke of Buckingham's Apology for himfelf before the House.

' Mr Speaker, I give the House my humble Thanks for the Honour you have twice done me, especially expressing my felf so ill Yesterday. I hope you will consider the Condition I am in, in danger of passing in the Censure of the World for a vicious Person, and a Betrayer of my Country: I have ever had the misfortune to bear the Blame of other Men's Faults. I know the revealing the King's Councils, and corresponding with the King's Enemies, are laid against me; but I hope for your Pardon if I speak Truth for my felf. I told you Yesterday, if the Triple League had any Advantage in it (I speak it without Vanity) I had as great a hand in it as any Man. Then, upon the Instance of the French Ambassador, I was sent into France upon the fad Subject of condoling the Death of Madam, where I urg'd for the Service of the King, that the French ought not to endeavour to make themselves considerable at Sea, of whom we had reason to be more jealous than of the Dutch, because

the French then wou'd have Power to conquer us. When I Anno 26Car.II. return'd, I found all Demonstrations that the French had no fuch Thoughts, but that the King of England shou'd be Mafter at Sea. I do not pretend to judge whether I or other Men were in the right; I leave the Judgment of that to this. honourable House. At this time my Lord Shaftesbury and my selfadvised not to begin a War without the Advice of the Para liament, and the Affections of the People; this was my Lord Shaftesbury's Opinion and mine, but not my Lord Arlington's. My next Advice was not to make use of French Ships, half their Value in Money wou'd have been more serviceable. I alledg'd they wou'd be of no use to us, by reason of their want of Experience in our Seas, and there wou'd be great Danger in their learning the Use of them; which Advice my Lord Arlington oppos'd: notwithflanding the King was so desirous of avoiding a Breach with France, that he sent me to Dunkirk, and my Lord Arlington to Utrecht, where I still endeavour'd to get Money instead of Ships. At my first Audience, the King of France was willing to comply. but, after some Returns and Letters from hence, he was alter'd; but I make no Reflections upon Persons, but barely state Matters of Fact. Then it was my Lord Shaftesbury's Advice and mine, so to order the War, as that the French shou'd deliver us some Towns of their Conquests into our Hands; an useful Precaution in former Times. My Lord Arlington wou'd have no Towns at all for one Year; and here is the Cause of the Condition. of our Affairs. We set out a Fleet with intention to land Men in order to the taking of Towns: the French Army go on conquering and get all, and we get nothing, nor agree for any. Pray consider who it was that was so often lock'd up with the French Ambassador. My Spirit moves me to tell you, that when we were to confider what to do, we were to advise with the French Ambassador. I will not trouble you with Reports; but pray look not upon me as a Peer, but an honest English Gentleman, who has suffer'd much for my Love to my Country. I had a Regiment given me, which was Sir Edward Scott's; I gave him fixteen Hundred Pound for it: There is no Papist Officer in it, nor Irish Man. I shall fay nothing of my extraordinary Gains, I am sure I have loft as much Estate as some Men have gotten, and that is a big Word! I am honest, and, when I appear otherwise, I defire to die. I am not the Man that has gotten by all this; yet after all this I am a Grievance: I am the cheapest Grievance this House ever had; and so I humbly ask the Pardon of the House for the Trouble I have given.

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His Answers to their Queries.

The Speaker then proceeded to ask the Duke the follow. ing Questions by Order of the House, to each of which his Grace gave an Answer. 1. Whether any Persons declared to your Grace any ill Advices or Purposes against the Liberties and Privileges of this House, or to alter the Government? Who they were, and what they advis'd? A. ' There is an old Proverb, Mr Speaker, Over Shoes over Boots. This reflects upon one that is now living, and fo I defire pardon for faying any thing farther, fearing it may be thought a malicious Invention of mine, the Person being dead. I have faid nothing yet but what I can justify, but this I cannot. 2. Some Words fell from your Grace yesterday, wherein you were pleas'd to fay you had gotten nothing, but others had gotten three, four or five Hundred Thousand Pounds: Who were they that had gotten it, and by what Means? A. I am not well acquainted by what means he got fo much, being not at all acquainted with the Ways of What the Duke of Ormond has got is upgetting Money. on Record, being about five hundred Thousand Pounds; my Lord Arlington has not got so much, but he has got a great deal. 3. By whose Advice was the Army rais'd, and Monsieur Schomberg made General? A. I cannot say by whose Advice, but upon my Honour, not by mine. told by a Man that's dead, that my Lord Arlington fent for him, and it will be easily prov'd.' 4. By whose Advice was this Army brought up to awe the Debates and Resolutions of the House of Commons? A. 'I must make to this the same Answer as I did before; it was a Discourse from a Man dead to one now living. If I had deferved the Honour, I think I might have had the Command of that Army before him; but Schomberg was told my Lord Arlington would have the Government by an Army.' 5. Who made the Triple Alliance? A. 'My Lord Arlington and my felf were only employ'd to treat; and, finding the Danger we were in of being cheated, we press'd the Ambassadors to sign before they had Power; and, tho' it was an odd Request, yet they did fign.' 6. Who made the first Treaty with France, by which the Triple Alliance was broken? A. 'I made that Treaty.' 7. By whose Advice was the Exchequer shut up, and the Order of Payment there broken? A. I was not the Adviser; I am fure I lost three Thousand Pound by it. 8. Who advis'd the Declaration in Matters of Religion? A. I do not difown that I advis'd it; being always of Opinion that something was to be done in that nature in Matters of Conscience, but no further than the King might do by Law.' 9. Who advis'd the attacking the Smyrna Fleet before the War was proclaim'd? A. 'It was my Lord Arlington's Advice; I was utterly against it, as careful of the Honour of the

Nation, and incurr'd some Anger by it. My Lord Arling- Anno 26Car. II. ton principally moved it, and I might say more.' 10. by 1673.4. whose Advice was the second Treaty at Utrecht? A. My Lord Arlington and I were fent over, and I found in Holland the greatest Consternation imaginable, like the burning of the Rump in England, the People crying, God bless the King of England! and curfing the States; and, had we then landed, we might have conquered the Country. The Prince of Orange wou'd have had the fame Share in the Peace with France that we had, but tho' the King's Nephew, I thought he must be kind to his own Country. If we had made Peace then, we had been in a worfe Condition than before; and lastly, the Prince of Orange hoped for a good Peace with us upon that Treaty; but I never could consent that France must have all, and we nothing. The Consequence wou'd be, that Holland must entirely depend upon France? and I think it a wife Article, that the French were not to make Peace without us.' 11. By what Counsel was the War begun without the Parliament, and thereupon the Parliament prorogu'd? A. My Lord Shaftesbury and I were for advifing with the Parliament, and averse to the Prorogation. I can fay nothing, but I believe the Parliament will never be against a War for the Good of England. 12. By whose Advice was the Parliament prorogu'd the 4th of November laft? A. -

The House was so little satisfy'd with the Duke's Speech, and his feveral Answers, that, upon a further Debate, they came to this Resolution, 'That an Address be presented to Their Vote as his Majesty, to remove the said Duke of Buckingham from gainst him. all his Employments that are held during his Majesty's Pleafure, and from his Presence and Councils for ever.' next Day they enter'd upon a Debate about the Earl of Arlington, who, at his own Request, was likewise admitted to be heard in the House. In making of his Defence, he answered some Parts of the Duke of Buckingham's Speeches, and fairly gave the Honour of the Triple Alliance to Sir William Temple. But he was so far from giving Satisfaction to the House as to his own Conduct, that they presently drew up Articles of Impeachment against him, under this Title; Articles of treasonable and other Crimes of high Misdemeanor against the Earl of Arlington, Principal Secretary of State, viz. I. The faid Earl hath been a constant and vehement Promo- Their Articles ter of Popery, and Popish Counsels. 1. By procuring of Impeach-Commissions for all the Papists lately in Command, who ment against the made their Application to him only, as a known Favourer Earl of Arlingof that Faction; there being not one Commission sign'd by ton. the other Secretary, many of which Commissions were procured and fign'd by him fince the several Addresses of the

Anno 26 Car. II. two Houses of Parliament to his Majesty, and the passing the late Act against Popery. 2. By procuring his Majesty's Letter, commanding Irish Papists and Rebels to be let into Corporations, and admitted into the Commissions of the

Letter, commanding Irish Papists and Rebels to be ler into Corporations, and admitted into the Commissions of the Peace, and other Offices of Truft, Military and Civil, contrary to the establish'd Laws and Constitutions of that Realm. to the great Terror of the King's Protestant Subjects there. 3. By not only fetting up and supporting the aforesaid Papifts there, but bringing the most violent and fiercest of them to command Companies and Regiments of the King's English Subjects there, to the great Dishonour and Danger of this Kingdom. 4. By openly and avowedly entertaining and lodging in his Family a Popish Priest, contrary to the known Laws of the Land; which faid Priest was a noted Solicitor and Promoter of the Popish Faction, and hath since fled out of this Kingdom. 5. By procuring Pensions in other Mens Names for Popish Officers, contrary to, and in illusion of, the late Act of Parliament. 6. By obtaining Grants of confiderable Sums of Money to be charg'd upon the Revenue of Ireland, for the most violent and pernicious Papists there; particularly two thousand Pounds for one Colonel Fitz-Patrick, a notorious Irish Rebel, whose Mother was hang'd in the late Wars for murthering several English, and making Candles of their Fat; this Grant being procured for the faid Fitz-Patrick, at a time when he was accus'd to the faid Lord Arlington of high Crimes by the now Lord Lieutenant of Ireland. 7. By procuring his Majesty to release to several Irish Papists, some whereof were deeply engag'd in the horrid Rebellion of that Kingdom, the Chiefries, or Head-Rents reserv'd to the Crown, out of the forfeited Estates of Papists there, being a principal Part of his Majesty's Revenue in that Kingdom.

'11. That the faid Earl hath been guilty of many undue Practices to promote his own Greatness, and hath embezelled and wasted the Treasure of this Nation; 1. By procuring vast and exorbitant Grants for himself, both in England and Ireland, breaking into the Settlement of that Kingdom, and dispossessing several of the English Adventurers and Soldiers of the Proprieties and Free-Holds, in which they were duly, and legally stated, without any Colour of Reason, or Suggestion of Right 2. By charging excessive, and almost incredible Sums for false and deceitful Intelligence. 3. By procuring his Majesty's Hand for the giving away, from his first Entrance into his Office, the Value of three Millions of Sterling Money at the leaft; the feveral Grants whereof are extant, counterfign'd by him, and by him only. 4. That the faid Earl, prefuming to trample upon all Estates and Degrees of the Subjects of

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this Realm, the better to subdue them to his Will and Anno 26 Car. II. Pleasure, hath causelessy and illegally imprison'd many of his Majesty's Subjects. 5. That he did procure a Principal Peer of the Realm to be unjustly imprison'd, and to be proclaim'd Traytor, without any legal Proceeding or Tryal, and did maliciously suborn false Witnesses with Money to take away his Life, upon pretence of treasonable Words.

III. That the faid Earl hath falfly and traitoroufly betray'd the great Trust repos'd in him by his Majesty, as Counsellor and Principal Secretary of State. 1. By entertaining a more than usual Intimacy with the French Ambastador, not only lodging him in his House, but letting him into the King's most secret Counsels. 2. By altering in private, and fingly by himself, several solemn Determinations of his Majesty's Council. 3. By procuring a Stranger to have the chief Command of the late rais'd Army, for the Invasion of Holland, to the great Dishonour and Discouragement of all the legal Nobility and Gentry of this Nation. 4. By advising his Majesty to admit of a Squadron of French Ships to be join'd with our English Fleet, (the fad Consequence whereof we have since felt) notwithstanding the King of France had agreed to fend a Supply of Men, in order to have the Fleet wholly English. 5. Whereas the King was advis'd by several of the Counsellors to press the French King to defift from making any farther Progress in the Conquest of the Inland-Towns of Holland. whereof England was to have no Benefit, and to turn his Army upon those Maritime-Towns that were by the Treaty to be ours: his Lordship gave the King Council to desist, whereby that Part of our Expectation was wholly frustrated. 6. Whereas the King was advis'd by feveral of his Council not to enter into this War, till his Majesty was out of debt, and had advis'd with his Parliament; his Lordship was of Opinion to the contrary, and gave his Advice accordingly. . When the French Ships were dispers'd after the late Fight at Sea, and had lost all their Anchors and Cables by reason of the foul Weather that then ensu'd, he persuaded his Majesty to send them eighty Cables and Anchors, although it was then objected, and he knew it to be true, That nis Majesty had not at that time any more in his Stores to supply his own Ships in case of the like Necessity. 8. He hath traitoroufly corresponded with the King's Enemies beyond the Seas, and contrary to the Trust repos'd in him, hath given Intelligence to them.

The Houses next proceeded to prepare a severe Bill, for a general Test, to distinguish between Protestants and Papists, and to prevent the Danger and surther Growth of Popery, and for a more easy and speedy Conviction of Popish Recusants; and those

1673-4. A new Teft against Popery.

Anno 16 Car. II. that Shall refuse to take it, be made incapable to enjoy any Office. Military or Civil, to fit in either House of Parliament, or to come within five Miles of the Court. The Test itself was in these Words: I A. B. do folemnly from my Heart, and in the Presence of Almighty God, profess, testify, and declare, That I do not believe in my Conscience that the Church of Rome is the only Catholic and Universal Church of Christ. out of which there is no Salvation; Or that the Pope hath any Jurisdiction or Supremacy over the Catholic Church in general, or over myfelf in particular, or that it belongs to the faid Church of Rome alone to judge of the true Senie and Interpretation of the Holy Scriptures; Or that in the Holy Sacrament of the Eucharist, there is made a perfect Change of the whole Substance of the Bread into Christ's Body, or of the whole Substance of the Wine into Christ's Blood, which Change the faid Church of Rome calleth Transubstantiation; Or that the Virgin Mary, or any other Saint, ought to be worshipped, or pray'd unto: And all these aforesaid Doctrines and Positions, I do renounce and disclaim, as False and Erroneous, and contrary to God's Word. and the Christian Religion.

While the House was thus employ'd, on the 24th Day of January, the King came to the House of Peers, and sending

for the Commons, he made this fignificant Speech:

The King's Speech concerning certain Propofals for a Peace.

My Lords and Gentlemen, T the beginning of this Session I told you, as I thought I had reason to do, That the States-General had not yet made me any Propofals which could be imagin'd with Intent to conclude, but only to amuse. To avoid this Imputation, they have now fent me a Letter by the Spanish Ambassador, offering me some Terms of Peace, ' upon Conditions formally drawn up, and in a more decent Style than before. It is upon this, that I defire your fpeedy Advice; for, if you shall find the Terms such as may be embraced, your Advice will have great weight with Me; and if you find them defective, I hope you will give me your Advice and Affurance how to get better Terms. Upon the whole matter I doubt not but you will take care of my Honour, and the Honour and Safety of the Nation, which are now fo deeply concern'd."

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With this Speech, the King deliver'd to the two Houses Copies of the Memorial from the Spanish Ambassador, together with Proposals from the Dutch in order to a Treaty. Upon the reading of which, and the Dutch Proposals in the House of Commons, they voted their humble and hearty Thanks to be return'd to his Majesty for his most gracious Speech;

Thanks voted,

Speech; and immediately after they refolv'd, That, upon Anno 26Car. H. Confideration had upon his Majesty's faid gracious Speech. and the Proposals of the States-General of the United-Provinces, this House is of Opinion, That his Majesty be humbly advis'd to proceed in a Treaty with the States-General, in order to a speedy Peace.' The Lords also joining in the fame Resolution of Advice, it was solemnly presented to his The King's Majesty, who return'd this Answer; 'My Lords and Gentle- Answer. men, I cannot better thank you for your Advice than by following it; which I shall endeavour, and doubt not of

your Affistance to enable me to perform it.'

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After this, the House, on the 7th of February, went into a Committee of the whole House, to take into their Consideration the Grievances of the Nation, in which they particularly refolv'd, 'That the Continuance of any Standing-Refolution con-Forces in this Nation, other than the Militia, is a great cerning Grievance and Vexation to the People; and it is the humble Petition and Address of this House to his Majesty, That he will immediately cause to be disbanded that Part of them that were rais'd fince the 1st Day of January, 1662.' This Matter gradually led them into an uncommon Debate concerning the King's Guards, which had been establish'd soon after the Restoration; and these following Reasons were given in, for disbanding the Horse and Foot-Guards, commonly call'd the King's Life-Guard. 1. 'That, according Reasons against to the Laws of the Land, the King hath no Guards but the King's those called Gentlemen-Pensioners, and Yeomen of the Guard. 2. That ever fince this Parliament, although there have been so many Sessions, they never settled the Life-Guard by Act of Parliament; nay, they have been so far from it, that, whenfoever they have been fo much as mention'd in the House of Commons, they would never in the least take any favourable Notice of them, always looking upon them, as a Number of Men unlawfully affembled, and in no respect fit to be the least countenanc'd by the Parliament of 3. That they are of vast Charge to the King England. and Kingdom. 4. That they are altogether useless to this Kingdom, as doth plainly appear by his Majesty's most happy and peaceable Reign fince his bleffed Reftoration; there being to much real and mutual Love, Confidence and Trust between his Majesty and his good People, which is daily manifested by his Majesty's frequent trusting and expoling his Sacred Person to his People without a Guard. 5. That Guards, or Standing-Armies, are only in use where Princes govern more by Fear, than by Love, as in France, where the Government is arbitrary. 6. That this Life-Guard is a Standing-Army in disguise, and that as long as they continue, the Roots of a Standing-Army will remain amongit

Anno 26 Car. II. amongst us; and therefore it is impossible effectually to deliver this Nation from a standing Army, till these Guards are pull'd up by the Roots. 7. That the Life-Guard is a Place of Refuge and Retreat for Papifts and Men popifhly affected, and a School and Nursery for Men of debauched and arbitrary Principles, and Favourers of the French Go. vernment, as did too plainly appear in the Case of Sir John Coventry. 8. That if the Life-Guard were disbanded, the King wou'd thereby fave some hundred thousands of Pounds per Annum; which wou'd in a few Years enable him to pay all his Debts, without burdening his good People with any further Taxes to that End.'

> On the 11th Day of February, the King came to the House of Peers, and sending for the Commons, made this

Speech to both Houses:

The King's Speech to both Houses, on the Conclusion of

My Lords and Gentlemen, N pursuance of your Advice, I have made a speedy, an honourable, and I hope a lasting Peace with the Dutch As to your Address for the disbanding of the Forces, I ' have, fince the Peace made with the Dutch, given Orders the Peace with ' for disbanding them; nay, I have order'd to disband more than you defired. As for your Address about the Irish Regiments, I have order'd to fend them back into Ireland, But I must needs acquaint you, That there is a great want of Capital Ships, and I wou'd be glad to be equal in Number with my Neighbours; and I hope I shall have your Affistance upon so good an Occasion, to preserve the Ho-" nour and Safety of this Nation."

Thanks return'd.

This Speech produc'd an immediate Resolution, That the humble and hearty Thanks of their House be return'd to his Majesty for his making a speedy Peace, and for his gracious Answers to the Addresses of their House concerning the standing Forces.

Further Proceedings.

After which, they proceeded to the further Confideration of the Grievances of the Nation, and particularly voted, 'That a Committee be appointed to inspect the Laws lately made in Scotland, whereby an Army is authoriz'd to march into England, or Ireland; and peruse such other Laws as do tend to the Breach of the Union of the two Nations.' They likewise in a grand Committee, shortly after took into their Confideration the State and Condition of the Kingdom of Ireland, and refolv'd, 'That a Commmittee be appointed to inspect the State and Condition of that Kingdom; and more especially to consider of the State of Religion; and the Militia, and the Forces of that Kingdom, and examine the Matters of Fact relating thereunto.' About the fame time,

Time, when they were upon the Topic of Grievances, they Anno 26 Car. II. appointed another Committee 'To inspect the Laws, and to consider how the King may commit any Subject by his immediate Warrant, as the Law now stands, and to report their Opinions: And further, they were order'd to confider how the Law now stands touching the Committing of Persons by the Council-Table, and to report the same.' Upon which Occasion, they brought in a particular Bill concerning Writs of Habeas Corpus, a Bill much for the Liberty The Habeas of the Subject, which was read three times, and pass'd. Corpus Bill They likewise order'd a Bill to be brought in, For a Test pass'd. to be taken by the Members of both Houses. But on the 24th Day of February the King came to the House of Peers, where fending for the Commons, he made this following Speech to both Houses:

' My Lords and Gentlemen.

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When I was here last, I told you the Peace was sign'd; The King's I am now come to tell you it is ratify'd; and I Speech at the I am now come to tell you it is ratify'd; and I Speech at the hope it will prove a happy and lasting Peace to both Na- Prorogation. tions. This, and the Spring coming on fo fast, it will be convenient for you to be in your Countries, both for your own Business and mine. And I therefore think fit to ' make a Recess at this Time, the Winter being more 'convenient for Business. In the mean time, I will do my ' Endeavour to farisfy the World of my Stedfastness for the ' fecuring the Protestant Religion, as it is now establish'd, and your Properties; and I defire that you, in your feveral 'Counties, will endeavour to fatisfy the People therewith. 'I have no more to fay at this time, but that I have com-' manded my Lord-Keeper to prorogue the Parliament to the tenth of November next.

And accordingly the Lord-Keeper prorogu'd both Houses to that time.

On the 13th Day of April both Houses of Parliament met The fourteenth at Westminster, according to a subsequent Prorogation, Session of the after a Recess of almost fourteen Months. When the Second Parlia-King open'd the Session with the following Speech from ment. the Throne to both Houses:

' My Lords and Gentlemen, THE principal End of my calling of you now, is to The King's know what you think may be yet wanting to the Se- Speech to both curity of Religion and Property, and to give myself the Houses. Satisfaction of having used the utmost of my Endeavours to procure and fettle a right and lafting Understanding between us: For I must tell you, I find the contrary so much TOME I. ' labour'd,

1675.

Anno 27 Car. II. I labour'd, and that the pernicious Designs of ill Men have taken so much place under specious Pretences, that it is high time to be watchful in preventing their Contrivances; of which this is not the least, That they wou'd, by all means they can advise, make it unpracticable any longer to continue this present Parliament. For that reason, I confess, I cannot think such have any good Meaning to Me: And therefore when I confider how much the greatest part of this Parliament has either Themselves or Fathers, given me Testimonies of their Affections and Loyalty, I shou'd be extreme loth to oblige those Enemies, by parting with such Friends: And they may be affur'd, That none shall be able to recommend themselves to Me by any other Way, than their good Services. I have done as much on my part as was possible, to extinguish the Fears and Jealousies of Popery; and will leave nothing undone that ' may shew the World my Zeal to the Protestant Religion, as it is establish'd in the Church of England, from which · I will never depart.

I must needs recommend to you the Condition of the Fleet, which I am not able to put into that Estate it ought to be, and which will require so much Time to repair and build, that I shou'd be forry to see the Summer (and consequently a whole Year) lost, without providing for it. The Season of the Year will not permit any long Session; onor wou'd I have call'd you now, but in hopes to do something that may give Content to all my Subjects, and to · lay before you the Confideration of the Fleet; for I intend to meet you again in Winter. In the mean time, I earnestly recommend to you all, such a Temper and Moderation in your Proceedings, as may tend to unite us all in Council and Affections, and disappoint the Expectations of those, who can hope only, by violent and irregular Motions, to prevent the bringing this Session to a happy Conclusion. The rest I leave to my Lord-Keeper.

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The Lord Keeper Finch's Speech.

Accordingly the Lord-Keeper proceeded thus; 'My Lords, &c. The Solemnity of this Day's appearance is equal to the Weight and Importance of the Occasion: The Matters to be treated of, deserve no less than an Affembly of the Three Estates, and a full Concourse of all the Wise and Excellent Persons who bear a Part in this great Council, and do constitute and compleat this high and honourable Court. - His Majesty begins with the Consideration of Religion; He fees it is the first Thing in all your Thoughts, and you cannot but fee that it hath been, and is still, the first and principal part of his Care. He hath also confidered

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confidered Religion, first in general, as it is Protestant, and Anno 27 Car. II stands in opposition to Popery: And upon that account it is that he hath awaken'd all the Volumes of our Laws against the Papists: There is not one Statute extant in all the Volumes of our Laws, but his Majesty hath now put in a way of taking its full Course against them. And upon this account also it is, That in a League lately renew'd with a Protestant Crown, his Majesty hath made it one Article of that League, that there shall be a mutual Defence of the Protestant Religion. His Majesty hath consider'd Religion again more particularly, as it is the Protestant Religion establish'd by Law in the Church of England; He sees that, as such, it is not only best suited to the Monarchy, and most likely to defend it. but most able to defend itself against the Enemies of all Reformation: And therefore upon this account it is that his Majesty, with equal and impartial Justice, hath revived all the Laws against Diffenters and Nonconformists; but not with equal Severity: For the Laws against the Papists are edg'd, and the Execution of them quicken'd by new Rewards propos'd to the Informers: Those against Dissenters are left to that Strength which they have already. Both these, and all other Laws whatfoever, are always understood to be fubject to the Pleasure of a Parliament, which may alter, amend, or explain them as they see cause, and according with public Convenience. For when we confider Religion in Parliament, we are suppos'd to consider it as a Parliament shou'd do, and as Parliaments in all Ages have done; That is, as it is a Part of our Laws, a Part, and a necessary Part of our

'In the next place, the King hath thought fit to direct your Considerations upon the Safety and Honour of the State; both which are then best provided for, when we keep up the Strength and Reputation of our Fleet. It is not altogether the natural Decay of Shipping, no nor the Accidents of War, that have leffen'd our Fleet, tho' fomething may be attributed to both these; but our Fleet seems rather to be weakened for the present, by being out-grown and out-built by our Neighbours.' Then proceeding to discourse of the Laws in general, he told them, 'In making of Laws therefore it will import us to consider, That too many Laws are a Snare, too few are a Weakness in the Government; too gentle are feldom obey'd, too severe are as seldom executed; and Sanguinary Laws are for the most part either the Cause or the Effect of a Distemper in the State. To establish this Cc 2

Government. For as it works upon the Conscience, as it is

an inward Principle of the Divine Life by which good Men

do govern all their Actions, the State has nothing to do with it, 'tis a thing which belongs to another Kind of Commif-

fion than that by which we fit here.-

Anno 27 Car. II. this State there feems not to need many Laws; some will always be wanting: And tho' all that is wanting shou'd not now be finish'd, yet whatever shall remain unfinish'd may be perfected in Winter, at which time we have a gracious Intimation from his Majesty, that we shall meet again. Then, speaking of the present Happiness of the Nation, he proceeded thus: 'We are newly gotten out of an expensive War, and upon Terms more honourable than ever. The whole World is now in Peace with us; all Ports are open to us, and we exercise a free and uninterrupted Traffic through the Ocean: And we are reaping the Fruits of all this Peace by a daily Improvement of our Trade, and the Encrease of our Shipping and Navigation. Our Constitution seems to be so vigorous and strong, that nothing can disorder it, but ourselves. No Influences of the Stars, no Configurations of the Heavens are to be fear'd, so long as these two Houses stand in a good Dispofition to each other, and both of them in a happy Conjunction with their Lord and Sovereign. Why shou'd we doubt it? Never was Discord more unseasonable. A Disference in Matters of the Church wou'd gratify the Enemies of our Religion, and do them more Service than the best of their Auxiliaries. A Difference in Matters of State would gratify our Enemies too, the Enemies of our Peace, the Enemies of this Parliament, that hope to fee, and practife to bring about, Revolutions in the Government. They well understand, That the best Health may be destroy'd by too much Care of it; an anxious, scrupulous Care, a Care that is always tampering; a Care that labours fo long to purge all ill Humours out of the Body, that at last it leaves neither good Blood nor Spirits behind. In like manner there are two Symptoms which are dangerous in every State, and of which the Historian hath long since given us Warning: One is, when Men do Quieta movere; when they stir those Things or Questions which are, and ought to be in Peace; and, like unskilful Architects, think to mend the Building by removing all the Materials which are not plac'd as they wou'd have them. Another is, Cum Res parvæ magnis Motibus aguntur; When Things, not of the greatest Moment, are agitated with greatest Heat; and as much Weight is laid upon a new, and not always very necessary Proposition, as if the whole Sum of Affairs depended upon it.-

' My Lords and Gentlemen, The King is far, infinitely tar, from fearing any Excess of this kind here; He knows too well the Wisdom, the Honour, and the Loyalty of this great Affembly, to apprehend any kind of Error either in your Judgments, or your Affections. He does not only find himself safe, but he thinks himself arm'd too, while he is attended with fuch a Nobility, fuch a Gentry as this. You

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that were able to raise the King's Affairs, when they were Anno 27 Car. H. in the lowest and most deplor'd Condition, will surely be able to keep them from any Relapse. You that were able to make this Government take root again, will furely be able to preserve it in a growing and flourishing Estate. Such Pilots need not fear a Storm! If you could, this Confideration alone were enough to support you, That you carry Cafar and his Fortunes; you serve a Prince in whose Preservation Miracles are become familiar; a Prince in whose Style Dei Gratia seems not to be written by a vulgar Pen, but by the Arm of Omnipotence itself. Raise up then, by your Example, the Hearts and Hopes of all those whom ill Men have wrought upon to fuch a degree, as to cast them into a Sadness, and into a Despondency, which is most unreasonable. What the Romans scorn'd to do after the Battle of Canna, what the Venetians never did when they had loft all their Terra Firma; That Men are now taught to think a Virtue, and the Sign of a wise and good Man, Desperare de Republica. And all this in a time of as much Justice and Peace at home; As good Laws for the Security of Religion and Liberty; As good Execution of those Laws; As great Plenty of Trade and Commerce abroad, and as likely a Conjuncture of Affairs for the Continuance of these Bleslings to us, as ever Nation prosper'd under. Confirm the Faith then of those that are made weak, by shewing them the Stedfastness of your Belief; give the King the Hearts of all his Subjects, by making him a Present of yours. Then will the King esteem himself a richer Prince than if he were posses'd of all the Treasures of the East: Then, tho' this Session should close in a few Weeks, yet it may be perpetual for the Fruit it shall produce, and for the Commemoration that will fol-Then will this Year be a true Year of Jubilee; and we shall have nothing to wish or pray for in this World, but the bleffed Continuance of his Majesty's long and happy Reign over us.

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The first Step the House took after this, was to vote, 'Their The Commons humble and hearty Thanks to his Majesty for his gracious Pro- Address. mifes and Affurances, explain'd in his faid Speech, to preferve and maintain us in the Establish'd Religion, and our Properties according to Law, and for Calling us together at this time for that purpose.' Which being presented to the King in a full Body in the Banqueting House, his Ma-Which being presented to jesty return'd this gracious Answer, 'That he had a great 'Confidence in his House of Commons; and that the ' faid House may be confident that he would always preserve ' them in the Establish'd Religion, and in their Liberties and 'Properties.' This did not hinder them however from an immediate Proceeding to a new Bill against the Growth of Po-

1675. Their Resolves against Popery.

Anno 27 Car. II. pery; in debating of which they came to these three Refolves. 1. 'That in the Bill there be inferted a Clause for Payment of a confiderable Reward to any Person that shall discover any Popish Priest, who, upon Trial, shall be prov'd to be so, to be paid by the Person to whom he shall be prov'd to have faid Mass, or by such as have wittingly receiv'd. fuccour'd or entertain'd fuch Popish Priest. 2. That he shall be esteem'd to be a Popish Priest, who shall be prov'd to have faid Mass, or officiated either in this Realm, or in any foreign Country, in the manner of a Prieft, according to the Usage of the See of Rome, if such Priest be not reconciled to the Church of England; and that these Votes shall not prejudice the Laws now in being concerning Popish Priefts. 3. That Penalties be laid on all that are prov'd to have remain'd with any such Popish Priest, when he shall be faying Mass, or officiating in the Manner of a Priest, according to the Usage of the See of Rome.' Shortly after, they added two Resolves more, viz. 1. 'That a Clause be inferted into the Bill, to regulate and restrain Mr. Attorney-General to enter any Noli prosequi. 2. That another Clause be inferted for the more effectual Profecution, and Levying of Penalties upon Popish Recusants.

After they had shewn their Dislike and Resentment against the Papists and their Proceedings, they refolv'd to take notice of the Duke of Lauderdale, the only remaining Person in Favour, of the late Cabal. And to compleat their Accusation against him, they had the Testimony of Dr. Gilbert Burnet, an eminent Scotish Divine, whohad formerly been intimate with his Grace, but, for good Reasons, had alter'd his Opinion of him, and his Actions. What he testify'd against this Minister was, ' That, coming into England, the first Saturday in September 1673, he went to visit the Duke of Lauderdale in his Lodgings in Whitehall, where the Duke and he discours'd of the Affairs of England and Scotland, and particularly of the Proceedings of Parliament concerning the Declaration for suspending Penal Laws in Matters Ecclefiaftical: And being afterwards ask'd, Whether, if Scotland being call'd to affift the King, they would affift him or not, he answer'd, he thought they would not; but the Duke reply'd, He believ'd they would, and that his coming into England would bring a great many. That the Duke asking him of the Affairs of Scotland, he answer'd, The People in Scotland that were at such a distance, could not imagine what to think of the King's Speech and Declaration. Whereunto the Duke reply'd, Hinc ille Lachryme! and that all had for faken the King but himself and the Lord Clifford.

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Upon which, and other Informations, the Commons drew up a particular Address against him to the King, which,

Dr. Burnet's Information against the Duke of Lauderdale.

after the Preamble, runs thus: ' Yet we find, upon fe- Anno 27 Canil. rious Examination of the State of this Kingdom, That there is a great Jealoufy arisen from some late Proceedings in the Hearts of your Subjects, That some Persons, in great The Commons Employment under your Majesty have fomented Deligns Address against the Duke of contrary to the Interest both of your Majesty and your Peo- Lauderdale. ple, intending to deprive us of our ancient Rights and Liberties, &c. Among those who are at present employ'd under your Majesty, we have just Cause to accuse for a Promoter of fuch Defigns the Duke of Lauderdale, lately created Earl of Guilford, because we have heard it testify'd in our House by several of our own Members, That, in the Hearing before the Council of the Case of Mr. Whaley, who had committed Mr. James contrary to your Majesty's Declaration of the 15th of March, 1671, He the faid Duke of Lauderdale did openly aftirm, in the Presence of your Majesty fitting in Council, and before divers of your Subjects attending there, That your Majesty's Edicts ought to be obey'd; for your Edicts are equal with Laws, and ought to be obey'd in the first place: thereby, as much as in him lay, justifying the said Declaration, and the Proceedings thereupon, and declaring his Inclinations to arbitrary Councils, in Terror of your good People. And we are farther confirm'd in this Opinion by late Acts of Parliament of a very strange and dangerous Nature, which we have observ'd amongst the printed Statutes of your Kingdom of Scotland; the first whereof was in the Third Session of the First Parliament held there under your Majesty, Cap. 25. and the other in your Majesty's second Parliament, Cap. 2. the like whereof was never past fince the Union of the two Kingdoms, and are directly contrary to the Intention of an Act past here in the fourth Year of the Reign of King James, For the utter Abolition of all Memory of Hostility, and the Dependencies thereof between England and Scotland, and for the Repressing of Occasions of Discords and Disorders in Time to come; and of a like Act past about the fame time in the Kingdom of Scotland. By force of which faid late Acts, there is a Militia settled in that Kingdom of twenty thousand Foot and two thousand Horse, who are oblig'd to be in a Readiness to march into any Part of this Kingdom, for any Service wherein your Majesty's Honour, Authority and Greatness may be concern'd; and are to obey fuch Orders and Directions as they shall, from time to time, receive from the Privy-Council there. By colour of which general Words we conceive this Realm may be liable to be invaded under any Pretence whatfoever; and this hath been done, as we apprehend, principally by the Procurement of the faid Duke of Lauderdale; he having, all

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Anno 27 Car. II. the time of these Transactions, been principal Secretary of the faid Kingdom, and chiefly entrusted with the Administration of Affairs of State there, and himself Commissioner for holding the Parliament at the time of passing the latter of the said Acts, whereby the providing of the said Horse and Foot is effectually impos'd upon the faid Kingdom, and that extraordinary Power vested in the Privy-Council there: And we conceive we have just Reason to apprehend the ill Consequences of so great and unusual a Power; especially when the Affairs of that Kingdom are manag'd by the said Duke, who hath manifested himself a Person of such pernicious Principles. We do therefore, in all Humility implore your facred Majesty, considering how universal a Fame and Clamour of the faid Misdemeanors runneth openly throughout this your Realm, that for the Ease of the Hearts of your People, who are posses'd with extraordinary Grief and Sorrow to see your Majesty thus abus'd, and the Kingdom endanger'd, your Majesty wou'd graciously be pleas'd to remove the faid Duke of Lauderdale from all his Employments, and from your Majesty's Presence and Councils for ever, as being a Person obnoxious and dangerous to the Government.

The King's Answer.

After some Time of Consideration, the King return'd the following Answer to the House of Commons in Writing: 'His Majesty hath consider'd of the Address against the Duke of Lauderdale, and the Reasons accompanying it: As to the Acts of Parliament mention'd to have been ' pass'd in Scotland, his Majesty observes that the first of ' those Acts was in the Year 1663, which was long before the Duke of Lauderdale was his Majesty's Commissioner in that Kingdom; and the latter was in pursuance of the former. And as to the Words, by the Time of Mr. Whaley's Cause, his Majesty perceiving, that, if they had been spoken, they must have been spoken before the late " Alt of General Pardon: And his Majesty being sensible how great a Satisfaction and Security, the inviolable Preserva-' tion of the former Act of Indemnity and Oblivion hath been to all his Subjects; cannot but apprehend the dangerous · Consequences of enquiring into any thing that hath been pardoned by any Act of General Pardon; left the Example might give Men cause to fear their Security under the Act of Oblivion.' This Answer was so little satisfactory to the Commons, that they afterwards refolv'd to draw up another Address against the Duke; but that, as well as-many other Matters, proved abortive.

Proceedings against Lord Danby,

The House proceeded to take the Lord Treasurer Danby's Conduct into Consideration, against whom they prepar'd the following r

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following Articles. I. ' That the Earl had overthrown the Anno 27 Car. II. ancient Course and Constitution of the Exchequer, by perverting the Method of Receipts, in Payments and Accounts contrary to Law; whereby the King's Revenue is put into Articles against Confusion and a wastful Way of Expence, to the destruction and a wastful Way of Expence, to the destruction Danby. on of his Credit, and exposing his Treasure to private Bargains and Corruptions; and had engross'd to himself the Power of disposing all the King's Revenues; laying aside the Chancellor and Under-Treasurer of the Exchequer, whereby all Checks and Controlls are avoided. II. That a Suit of Law being intended about the Marriage of the Daughter of Sir Thomas Hyde, the faid Earl caus'd one Mr. Brandley, a Principal Witness in the Cause, to be arrested by an extraordinary Warrant from one of the Secretaries of State, and to be kept for some time in close Custody; during which the Earl's Agents labour'd with Mr. Brandley, by Threats and Promises, not to declare the Truth, and at Midnight he was brought and examin'd before the King in the Presence of the Earl; whereupon Mr. Brandley was induc'd to deliver in a Testimony against his own Knowledge and Conscience, he being then in duresse: And all this was done with an Intent to procure the faid Heiress to be married to the Earl's fecond Son. III. That the Earl had receiv'd very great Sums of Money, belides the extraordinary Revenue, which had been wastfully spent; and far greater Sums than ever issu'd out for secret Service, without Account; the King's Debts remaining unpaid, the Stores unfurnish'd, and the Navy unrepair'd. IV. The Earl had violated the Rights and Properties of the People, by stopping, without Authority, those legal Payments due in the Exchequer. V. That tho' the Office of a Lord-Treasurer is always very full of necessary and great Employments, yet the Earl had also asfum'd to himself the Management of the Irish Affairs, which before were always dispatch'd by the Secretaries, and pass'd in Council; thereby fubtlely enabling himself the better to convert great Sums of Money out of the Irish Revenues to his own private Advantage. VI. That the Earl had procured great Gifts and Grants from the Crown, whilst under great Debts, by Warrants counterfign'd by himself. VII. That on Decemb. 4, 1674, at the hearing of a Cause in the Treafury-Chamber, some Acts of Parliament, now in being, were urg'd against a Proclamation, and contrary to what his Lordship aim'd at; whereupon the Earl, in Contempt of the Law, utter'd this Arbitrary Expression, That a new Proclamation is better than an old Act. Upon his Lordship's Report to the Privy-Council, the Person in question being a Foreigner, and not obeying such Proclamation, but pursuing this Right at Law, was banish'd the Kingdom.' TOME I. D d This

1675.

Anno 27 Car. II. This was the Sum of their Accusation; but when the Articles were particularly and at several Times examin'd, they first struck out one, and then another, till, upon the whole, they concluded that there was not sufficient Ground for an Impeachment against him.

An Address to the King for recalling the English Troops in the French

Service. The King's

A fecond Ad-

dreis.

Answer.

After this, the House presented an humble Address to his Majesty for the speedy recalling all his Subjects home out of the French King's Service; and for hindering any more from going over for that Service for the future. the King return'd this Answer in Writing: 'That such Troops of his Subjects that were in the most Christian King's Service, before the late Treaty made with the States-General of the United Provinces, and were not by that to be recall'd, as they are at present become inconsiderable in their Number; so his Majesty conceives they cannot be ' recall'd, without derogating from his Honour and Dignity, and to the prejudice of the Peace he now enjoyeth; which he hath publicly profess'd to maintain with all his Neighbours. But as to the prohibiting the going over of any more, his Majesty will renew his Proclamation, and use all other effectual Means both to forbid and hinder it. This occasion'd a second Address, that the Officers of the feveral Ports do take care for hindering any more going over for that Service for the future.

About this Time, the grand Debate, between the two Houses concerning Privileges in the Case of Dr. Shirley and

Sir John Fagg, took place, which is as follows:

Proceedings in the House of Commons, on an Appeal being brought in the House of LORDS, by Dr. SHIRLEY, against Sir John FAGG, and others their Members; May, 27 CAR. II.

Sir John Fagg's Complaint.

Artis, 4 Maij, 1675. Sir John Fagg, Bart. this Day I informing the House, that he was summon'd to appear to a Petition in the House of Lords, a Committee was thereupon appointed to fearch for Precedents to that purpofe. Mercurij, 5 Maij. Resolved, That a Message be sent to the Lords to acquaint them that this House hath received Information, that there is a Petition of Appeal depending before them, at the Suit of Thomas Shirley Efg; against Sir John Fagg, a Member of this House; to which Petition he is, by order of the House of Lords, directed to answer on Friday next: And to defire the Lords to have a Regard to the Privileges of this House; and that Sir Trevor Williams do go up with the Message to the Lords. Sir Trevor

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Sir Trevor Williams reports, that he had attended the Anno 27 Car. II. Lords with the Message of this House, concerning Sir John Fagg; and the Lords will return an Answer by Mesfengers of their own.

Veneris, 7 Maij. A Message from the Lords by Sir Wil- A Message

liam Beversham and Sir Samuel Clarke.

Mr. Speaker, the Lords have confider'd of the Meffage received from the House of Commons, concerning Privilege in the Case of Sir John Fagg, and do return this Answer, the House of Commons need not doubt, but that the Lords will have a Regard to the Privilege of the House of Commons, as they have of their own.

Sabbati, 8 Maij. A Committee was appointed to inspect the Lords Journals, to see what Entries are therein made against Sir John Fagg, a Member of this House, and to re-

port the fame.

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Mercurij, 12 Maij. Dr. Thomas Shirley ordered to be fent for in Custody, to answer his Breach of the Privileges of this House, in prosecuting a Suit by Petition of Appeal in the Lords House, against Sir John Fagg, a Member of this House, during the Session and Privilege of Parliament.

And a Committee is also to inspect the Lords Journals, to fee what hath been done in like Cases; and the said Sir John Fagg is ordered not to proceed, or make any Answer to the faid Appeal, without the Licence of this Houle.

Veneris, 14 Maij. Sir Thomas Lee reports from the Com- Sir Thomas mittee appointed to inspect the Journals of the House of Lee's Report Lords, and the Entries therein, in the Case between Dr. from the Lords Thomas Shirley and Sir John Fagg, a Member of this Journals. House, that the Committee had perused the Journals of the Lords House, and found the Entries to be as follow.

April, the 30th. 'Thomas Shirley, Esq; presented a

Petition to the Lords.

Ordered, 'That the faid Sir John Fagg may have a Copy of the faid Petition and put in his Answer thereunto in Writing, on Friday the 7th Day of May next, at Ten of

the Clock in the Forenoon, if he thinks fit.

May, the 5th. 'The Commons fend a Message by Sir Trevor Williams: The Knights, Citizens, and Burgeffes of the House of Commons, in Parliament assembled, have been informed, that there is a Petition of Appeal depending before their Lordships, at the Suit of Thomas Shirley Ela; against Sir John Fagg a Member of their House; to which Petition he is, by their Lordships Order, directed to answer, on Friday next, and desire their Lordships to take care of their Privileges.

Anno 27 Car.II. 1675. Answer. 'That this House have considered of their Message, and will send an Answer by Messengers of their own.'

Ordered, 'That the Committee for Privileges do meet this Afternoon to consider of the Messages received from the House of Commons this Day, concerning Thomas Shirley Esq; and Sir John Fagg, a Member of the House, and search Precedents in the Case, and report to the House to-morrow

Morning.

May the 6th. The Earl of Berks reported, 'That the Committee of Privileges having met and confidered of what was referred to them, in the Case between Thomas Shirley Esq: and Sir John Fagg, a Member of the House of Commons, and a Message from the House of Commons thereupon; have ordered him to report, that the Committee have found that the House did refer the Business of Mr. Hale and Mr. Slingsby, upon the like Message of the House of Commons, to the Committee of Privileges; who did report to the House, that it is the undoubted Right of the Lords in Judicature, to receive and determine in Time of Parliament, Appeals from inferior Courts, though a Member of either House be concerned, that there may be no Failure of Justice in the Land; and the House did agree with the Committee therein: And thereupon the Committee do humby offer to their Lordships, upon this Occasion, to take the same Course, and to insist upon their just Rights in this Particular, which their Lordships will be pleased to fignify to the House of Commons, in fuch Manner as they shall think fit."

The House agreed with the Committee in this Declaration, and ordered the same to be entered into the Journal-

Book of this House as their Declaration, viz.

'That it is the undoubted Right of the Lords in Judicature, to receive and determine, in time of Parliament, Appeals from inferior Courts, tho' a Member of either House be concerned, that there may be no Failure of Juffice in the Land.'

Then it was moved that the former Answer sent to the House of Commons in the Case of Mr. Slingsby and Mr. Hale, might be given now to the House of Commons, in this Case of Sir John Fagg; and that the Declaration and Report, agreed to this Day, might be added to it.'

The Declaration aforesaid was read, and the question being put, Whether this shall be as a part of the Answer to be given to the House of Commons? It was resolved in the Ne-

gative.

The Answer returned formerly to the House of Commons, in the Case of Mr. Slingsby, and Mr. Hale, was in these Words: 'That the House of Commons need not doubt

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but that their Lordships will have a regard to the Privileges Anno 27 Car. H. of the House of Commons, as they have of their own. 1675.

The Question being put, Whether this Answer shall be now returned to the Meslage from the House of Commons? It was resolved in the Affirmative.

May the 7th, it was fent accordingly.

Maij 7. Whereas this Day was appointed for Sir John Fagg to put in an Answer to the Petition and Appeal of Thomas Shirley Esq; depending in this House, if he thought sit; the said Sir John Fagg appearing personally this Day at the Bar, and desiring longer Time to put in an Answer thereunto:

It is thereupon ordered that the faid Sir John Fagg hath hereby farther Time given him for putting in his Anfwer, till Wednesday next, being the 12th Day of this In-

stant May, at Ten o'Clock in the Forenoon.'

Maij 12. Sir John Fagg put in his Answer to the Petition of Mr. Shirley. A Debate arising thereupon, touching

the Privilege of their House,

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Refolved, &c. That the Appeal, brought by Dr. Shirley in Refolution the House of Lords against Sir John Fagg, a Member of thereon. this House, and the Proceedings thereupon, is a Breach of the undoubted Rights and Privileges of this House.

The House being informed, that the Warrant of this House for taking of the said Dr. Shirley into Custody, was forcibly taken away and detained from the Serjeant at Arms his Deputy, attending this House, by the Lord Mohun: And the Serjeant's Deputy being called in and examin-

ed as to the Matter of Fact, gave this Testimony:

That he found Dr. Shirley in the inner Lobby of the House of Lords, and that he came to him and desired to speak with him, and acquainted him, that he had a Warrant from the House of Commons to apprehend him, and desired to know whether he could shew him any Reason to excuse him, that he might not serve the Warrant on him: And that he likewise told him, that he would not execute the Warrant on him in that Place, but desired of him that he would go along with him freely; and that in case he would not, he would take his Opportunity in another place.

And that the said Lord Mohun coming in, in the mean time, required him to shew his Warrant; which he producing, the Lord Mohun laid hands on it, and held it so said, that it was in danger of being torn; and that therefore he was forced to part with it, and desiring to have it again, the Lord Mohun refused it, but carried the Warrant into the House of Lords. That Dr. Shirley afterwards resulted to go along with him, saying, that he was not then his Prisoner; and that, several Persons interposing, the Doctor

1675.

Anno 27 Car. II. Doctor escaped from him; and a Debate arising thereupon Resolved, That a Message be sent to the Lords to complain of Lord Mohun, for forcibly taking away and detaining the Warrant of this House, from the Deputy Serjeant at Arms, for taking of Dr. Shirley in Custody; and to demand the Justice of the Lords House against the said Lord Mohun.

And that the Lord Antram do go up to the Lords with

the Message.

Dr. Shirley order'd to be taken into Cu-

Lerd Antram's

Report from

the Lords.

Ordered, That Mr. Speaker do issue forth a new Warrant to the Serjeant at Arms attending this House, for apprehending Dr. Thomas Shirley, to answer his Breach of Privilege, for profecuting a Suit by Petition of Appeal in the Lords House against Sir John Fagg, a Member of this House, during the Session and Privilege of Parliament.

Sabbati, 15 Maij, 1675. The Lord Antram reports from the Lords, that he had, in obedience to the Commands of this House, attended the Lords, and delivered the Mes. fage concerning the Lord Mohun's taking away, and detaining the Warrant for apprehending Dr. Shirley, and that the Lords had returned this Answer:

' Gentlemen of the House of Commons, The Lords have confidered of your Message, and of the Complaint therein; and they return you this Answer, that they find the Lord Mohun hath done nothing but what is according to his Duty.

The House then resumed the Debate of the Matter concerning the Privileges of this House; and the Matter being

debated,

Dr. Shirley's Appeal voted a vilege.

Resolved, &c. That the Appeal, brought by Dr. Shirley in the House of Lords against Sir John Fagg, a Member of Breach of Pri- this House, and the Proceedings thereupon, is a Breach of the undoubted Rights and Privileges of the House of Commons; and therefore the Commons desire, that there be no farther Proceedings in that Cause before their Lordships.

Ordered, That a Conference be defired with the Lords defired with the concerning the Privileges of this House, in the Case of Sir John Fagg; and that Sir Thomas Lee do go up to the

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Lords to defire a Conference.

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A Melfage from the Lords by Sir Mondeford Bramston, and from the Lords. Sir William Glascock.

'Mr. Speaker, We are commanded to let this House know that the Lords spiritual and temporal, assembled in Parliament, having received a Warrant, figned Edward Seymour, which they have appointed us to shew you; and defire to know whether it be a Warrant ordered by this House: The matter of the Message being debated, the Question being pur, that the Word unparliamentary be part of the Answer to the Lords Message, it passed in the Nega- Anno 27 Car. II. tive.

Resolved, That the Messengers be called in, and that this Answer be returned, that this House will consider of the

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The Messengers being called in, Mr. Speaker does acquaint them, that the House will consider of the Message.

Resolved, That the Message last received from the House of

Lords, is an unparliamentary Message.

Resolved, That a Conference be desired to be had with the Lords, upon the Subject Matter of the last Message received from the House of Lords.

Resolved, That it be referred to Mr. Garraway, &c. to

draw up Reasons to be offered at the said Conference.

Then the House being informed that there is a cause upon an Appeal brought up by Sir Nicholas Stoughton, against Mr. Onslow, a Member of this House, appointed to be heard Mr. Onslow.

at the Bar of the Lords House;

Resolved, That a Message be sent to the Lords to acquaint them, that this House has received Information, that there is a Cause upon an Appeal brought by Sir Nicholas Stoughton against Mr. Onslow a Member of this House, appointed to be heard at the Bar of the House, on Monday next; and to desire their Lordships to have regard to the Privileges of this House, and that Sir Richard Temple do go up with the Message to the Lords.

Ordered, That Mr. Onflow do not appear any farther in the profecution of the Appeal brought against him by Sir

Nicholas Stoughton, in the House of Lords.

Ordered, That Sir Nicholas Stoughton be sent for in Custody of the Serjeant at Arms attending this House, to answer his Breach of Privilege in prosecuting a Suit in the House of Lords against Arthur Onslow Esq; a Member of this House, during the Session and Privilege of Parliament.

Refolved, That whosever shall appear at the Bar of the House of Lords, to prosecute any Suit against any Member of this House, shall be deemed a breaker and infringer of the

Rights and Privileges of this House.

Luna, 17 Maij, 1675. Sir Richard Temple reports, that Sir Richard the Person appointed had attended the Lords, and delivered Temple. the Vote of this House, concerning the Appeal brought by Dr. Shirley against Sir John Fagg.

Sir Thomas Lee reports, from the Committee appointed to Sir Thomas draw up Reasons for the Conference to be had with the Lords, Lee's Report Reasons agreed by the Committee; which are as follow, viz from the Com-

For that the Message is by way of interrogatory upon the mittee.

Proceedings of the House of Commons in a Case concerning the Privilege of a Member of that House, of which they are proper Judges.

For

Anno 27 Car. II.

For that the Matter of the Message carries in it an undue Reslection upon the Speaker of the House of Commons.

For that the matter of the Message doth highly restect upon the whole House of Commons, in their Lordships questioning that House concerning their own Orders; which they have the more Reason to apprehend, because, the Day before this Message was brought to them, the Warrant was owned by the Complaint of the House of Commons to their Lordships, that the same was taken and detained from a Servant of theirs, by a Peer; which imports, that the Question in that Message could not be for Information only, and so tends to interrupt that mutual good Correspondency, which ought to be preserved inviolably between the two Houses of Parliament.

Sir Richard Temple's Report from the Lords,

Martis, 18 Maij, 1675. Sir Richard Temple reports from the Lords, that he had attended their Lordships, according to the Command of this House, with the Message in the Case of Mr. Onslow, to which the Lords returned an Answer, which being in writing, was delivered at the Clerks Table, and read; and is as followeth:

'The Lords do declare, That it is the undoubted Right of the Lords in Judicature, to receive and determine in time of Parliament, Appeals from inferior Courts, though a Member of either House be concerned, that there may be no failure of Justice in the Land: And from this Right, and the Exercise thereof, their Lordships will not depart.'

The Matter of the Lords Answer being debated,

Resolved, That it is the undoubted Privilege of this House, that none of their Members be summoned to attend the House of Lords, during the Sitting or Privilege of Parliament.

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Resolved, That a Conference be desired with the Lords, upon the Privileges of this House, contained in the Lords Answer to the Message of this House, in the Case of Mr. Onslow.

Ordered, That Sir Henry Ford do go up to the Lords, to defire a Conference upon the subject Matter of their Message, concerning the Warrant for apprehending Dr. Shirley.

Jovis, 20 Maij, 1675. Sir Thomas Lee reports, from the Committee appointed to draw up Reasons to be offered at the Conference to be had with the Lords upon the Privileges of this House, contained in the Lords Answer to the last Message of this House, in the Case of Mr. Onslow; which Reasons were twice read, and, with some alterations at the Clerks Table, (upon the question severally put) agreed to; which are as follow, viz.

Reasons to be offer'd to the Lords at the Conference.

J. That, by the Laws and Usage of Parliament, Privilege of Parliament belongs to every Member of the House of Commons,

Sir Henry Ford.

Sir Thomas Lee.

Commons, in all Cases except Treason, Felony, and breach Anno 27 Car. II. of the Peace; which hath often been declared in Parliament.

without any Exception of Appeals before the Lords.

II. That the Reason of that Privilege is, that the Members of the House of Commons may freely attend the public Affairs of that House, without disturbance or interruption. which doth extend as well to Appeals before the House of Peers, as to Proceedings in other Courts.

III. That, by the constant course and usage of Parliament, no Member of the House of Commons can attend the House of Lords, without the especial Leave of that House first obtained, much less be summoned or compelled so to do.

IV. If the Lords shall proceed to hear and determine any Appeal, where the Party neither can, nor ought to attend, fuch Proceedings would be contrary to the Rules of Justice.

V. That the not determining of an Appeal against a Member of the House of Commons, is not a Failure of Justice, but only a Suspension of Proceedings in a particular Case, during the Continuance of that Parliament which is but temporary.

VI. That in case it were a Failure of Justice, it is not to be remedied by the House of Lords alone, but it may be by

Act of Parliament.

Here Sir Thomas Littleton reported from the Committee appointed to prepare the farther Address of this House to his Majefly, for the recalling fuch of his Subjects as are in the French King's service: which the House defered the far-

ther Confideration of till Wednesday next.]

Then Sir Trevor Williams reports from the Lords, that Sir Trevor he had attended, and defired a Conference with the Lords Williams's on the Privilege of this House, contained in the Lords Answer Report. to the Message of this House, in the Case of Mr. Onslow: And that the Lords will return an Answer by Messengers of their own.

Mr. Powle reports, from the Conference had with the Mr. Powle's Lords upon the Subject Matter of the former Conference, Reports concerning the Warrant for appreliending Dr. Shirley, That the Lords had returned an Answer to the Reasons of this House, delivered at the former Conference, and are as

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The Lords have appointed this Conference, upon the The Lords Subject Matter of the last Conference, and have commanded Reasons, us to give these Answers to the Reasons and other Matters then delivered by the House of Commons.

'To the first Question, the Lords conceive that the most natural way of being informed, is by way of Question; and seeing a Paper here, which did reslect upon the Privileg's of TOME I.

Anno 27 Car. II. the Lords House, their Lordships would not proceed upon it, till they were affured it was owned by the House of Commons: But the Lords had no Occasion at that Time, nor do they now think fit, to enter into the Debate of the House of Commons being, or not being proper Judges in the Case concerning the Privilege of a Member of that House; their Lordships necessary Consideration, upon sight of that Paper, being only, how far the House of Commons ordering (if that Paper were theirs) the Apprehension of Dr. Shirley, for profecuting his Appeal before the Lords, did entrench upon their Lordships both Privilege and undoubted Right of Judicature, in the Consequence of it, excepting all the Members of both Houses from the Judicature of this the highest Court of the Kingdom; which would cause a Failure of that supreme Justice, not administrable in any other Court, and which their Lordships will never admit.

> As to the fecond Reason, the Lords answer, That they do not apprehend how the Matter of this Message is any reflection upon the Speaker of the House of Commons.

'To the third Reason, The Lords cannot imagine how it can be apprehended in the least to reflect upon the House of Commons, for the House of Peers, upon a Paper produced to their Lordships, in form of a Warrant of that House, whereof doubt was made among the Lords, whether any fuch thing had been ordered by that House, to enquire of the Commons whether such Warrant was ordered there or no? And, without fach Liberty used by the Lords, it will be very hard for their Lordships to be rightly informed, so as to preserve a good Correspondence between the two Houses, which their Lordships shall endeavour; or to know when Warrants, in the Name of that House, are true or pretended: And it is so ungrounded an Apprehension, that their Lordships intended any Reflection in asking that Question, and not taking notice in their Message of the Complaint of the House of Commons owning that Warrant, that the Lords had fent their Message concerning that Paper, to the House of Commons, before the Lords had received the faid Commons Complaint.

But their Lordships have great Cause to except agrinst the unjust and strained Reflection of that House upon their Lordships, in asserting that the Question in the Lords Mesfage could not be for Information, as we affirm, but tending to interrupt the mutual Correspondence between the two Houses; which we deny, and had not the least Thought of

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The Lords have farther commanded us to fay, that they doubt not but the House of Commons, when they have received what we have delivered at this Conference, will be fensible of their Error, in calling our Message strange, unufual, ufual, or unparliamentary. Though we cannot but take Anno 27 Car. II. notice, that their Answer to our Message, that they would consider it, was the first of that Kind that we can find to have come from that House.

The Question being put, Whether the House be satisfied Unsatisfactory.

with the Reasons delivered by the Lords at the last Confe-

rence? it passed in the Negative.

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Resolved, That a free Conference be desired with the Lords upon the Matter delivered at the last Conference; and that the former Managers do attend, and manage the free Conference.

Friday, May 21. The House Resolved, on Wednesday next, to proceed in the farther Consideration of that part of the Message relating to Appeals from inferior Courts. Sir Trevor Williams was ordered to go up to the Lords, to defire a Conference upon the Privileges of this House, contained in their Answer to the Message touching Mr. Onslow's Case, which he accordingly did; and reports, that the Lords will return an Answer thereto by Messengers of their own.

May 27. A Message ordered to be sent to the Lords, to remind them of the former Message; and again to defire a Conference upon the Privileges of this House, in the Case of Mr. Onflow. And ordered the Matter of the Jurisdiction of the Lords, in Cases of Appeal, be taken into Consideration

to-morrow Morning.

Veneris, 28 Maij, 1675. Sir Thomas Lee reports, from Sir Thomas the Committee to whom it was referr'd, to draw up Reasons Lee's Report to be offered at a Conference to be had with the Lords, from the Comupon the Subject Matter of their Answer to the last Message of this House, in the Case of Mr. Onslow, several Reasons agreed by the faid Committee: which he read in his Place, and afterwards delivered the same in at the Clerk's Table; where the same, being twice read, were, upon the Question, severally agreed unto, and are as follow, viz.

' For that the Commons defired a Conference upon their Privileges concerned by the Lords Answer to a Message ient to the Lords the 18th of May, in the Case of Mr. Onslow; their Lordships have not agreed to any Conference in the Case of Mr. Onflow, but have only agreed to a Conference concerning their Privileges in general, without reference to the Case of the said Mr. Onslow; which was the only Subject

Matter of the defired Conference.

'The Limitation in the Lords Agreement to a Conference, with Proviso that nothing be offered at the Conference, that may any way concern their Lordships Judicature, is in effect a Denial of any Conference at all, upon the Subject on which it was defired: Which ought not to be; the Judicature which their Lordships claim in Appeals against a Member

Anno 27 Car. II. of the House of Commons, and the Privilege of that House, 1675.

being in that Case so involved, that there can be no Conference upon the latter, without some way touching upon the

former.

'That this Manner of agreeing to a Conference with any Limitation or Proviso, is against the Course of Proceedings betwixt the two Houses of Parliament, in coming to Conference; and doth seem to place a Power in the Managers of such Conferences to judge whether such Provisos be broken or not, and accordingly to proceed, or break off the Conference upon their own Judgments.'

Sir Leoline Jenkins's Report.

A Meffage

Lune, 31 Maij, 1675. * Sir Leoline Jenkins reports, that he had attended the Lords with the Message of this House, for a Conserence upon the subject Matter of the Lords Answer to the last Message of this House, in the Case of Mr. Onslow; and that the Lords had sent Answer, that they would return Answer by Messagers of their own.

A Message from the Lords by Sir Mondeford Brampston,

from the Lords. and Sir William Beversham.

'Mr Speaker, The Lords have commanded us to acquaint you, that they defire a Conference prefently in the Painted-Chamber, with the House of Commons, upon their not coming to the Conference desired by them, on Thursday last, and by the Lords appointed to be at ten of the Clock in the Painted-Chamber, on Friday the 28th of this Instant May.'

The Messengers being withdrawn, and the Message debated, a present Conference upon the Question was agreed.

And the Messengers being called in, Mr. Speaker acquaints them, that the House had agreed to a present Conference.

Ordered, That the former Members, that were appointed to manage the former Conference, in the Case of Mr Onslow,

do attend and manage this Conference.

Sir John Trevor reports, from the Conference, that the Lords had declared the Intent of this Conference, to the effect following, viz. 'That the Lords have appointed this Conference, out of that confeant Defire and Resolution they have to continue a fair Correspondence between the two Houses; which is of the Essence of parliamentary Proceedings.'

For this End their Lordships have commanded us to tell you, that they cannot but take Notice of the House of Commons failing to be, on Friday last, at a Conference desired by themselves and appointed by the Lords at ten of the

clock in the Painted-Chamber.

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I Judge of the Admiralty, and ofterwards Secretary of State.

Sir John Tre-

vor's Report.

That they conceive it tends to an Interruption of all Par- Anno 27 Car. II. liamentary Proceedings, and to evade the Right of the Lords

to appoint Time and Place for a Conference.

Ordered, That it be referred to the former Committee. who are appointed to draw up Reasons, to be offered at a Conference to be had with the Lords upon the subject Matter of their Answer, to the Message of this House, in the Case of Mr Onslow, to consider of the Matter delivered by the Lords at the last Conference; and to prepare and draw up farther Reasons, to be offered at another Confe-And that the Committee do meet this Afternoon at five of the Clock in the Speaker's Chamber. And Mr. Serjeant Maynard, and Mr. Sawyer, are to take notice to attend

Martis I Junij, 1675. Sir Thomas Lee reports, from the Sir Thomas Committee appointed to inspect the Journals of the House of Lee's Report. Lords, and to see what Proceedings have been entred, in the Case of Mr. Dalmahoy, and Mr. Onslow, that they had inspected the Lords Journals as to the Case of Mr. Dalmahov. and collected what Proceedings had been in that Case; but had no Opportunity or Time yet to do it in the Case of

read, and delivered in at the Clerk's-Table; and are as follow, viz. 19 April, 1675.

The Appeal brought by Crifpe and Crifpe, complaining against a Decree in Chancery made, wherein Mr. Dalmahov is recited to be one of the Petitioners; Cranbourne and Bowyer are ordered to put in an Answer, and Dalmahov if

Mr. Onflow: Which Proceedings being reported, were

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Maij 12, 1675. Ordered, That this House will hear Counfel at the Bar, upon the Petition and Appeal of Sir Nicholas Crifpe, and others, against the Lady Viscountess Cranbourne, the Lady Anne Bowyer, and Thomas Dalmahoy Esq; and their Answer thereunto, depending in this House on Wednelday the 19th of this Instant May, at ten of the Clock in the Forenoon; whereof the Petitioners are to cause timely Notice to be given to the said Defendants, or their Agents

in the faid Case, for that Purpose.

Maij 19, 1675 Whereas Sir Nicholas Crifpe, Bart. having an Appeal depending in this House, against the Lady Cranbourne, Lady Bowyer, and Thomas Dalmahoy Esq; a Member of the House of Commons; hath prayed that Counsel may be affigned him to plead his Cause upon the faid Appeal, and hath named Counsel for that Purpose: It is ordered that Sir John Churchill, Serjeant Peck, Serjeant Pemberton, and Mr. Porter, named by the faid Sir Nicholas Crifpe, be, and are hereby appointed to open, and manage

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Anno 27 Car. II. the faid Cause, on the Part and Behalf of the said Sir Nicholas Crispe; on Thursday the 27th Day of this Instant May at ten of the Clock in the Forenoon; and at such other

Times, as it shall be depending in this House.

Upon reading the Petition of Sir Nicholas Crifpe, Bart. Thomas Crifpe and John Crifpe, Esqs; shewing, that having an Appeal depending in this House against Thomas Dalmahoy Esq; a Member of the House of Commons, and others; they are in danger of being arrested by an Order of the House of Commons; and therefore pray the Protection of this House, that they may have Liberty to prosecute their

faid Appeal with Freedom:

It is thereupon ordered, that Sir Nicholas Crifpe, Bart. John Crifpe, and Thomas Crifpe, or any of them, their or any of their Counsel, Agents or Sollicitors, or such other Person or Persons as they shall employ, in prosecuting the said Appeal before this House, be, and are hereby privileged, and protected accordingly by this House, until the Matter upon the Appeal be determined by their Lordships. And all Persons whatsever, are hereby prohibited from arresting, imprisoning, or otherwise molesting, the said Sir Nicholas Crispe, John Crispe, and Thomas Crispe, or any of their Counsel, Agents, or Sollicitors, upon any Pretence whatsever, during the Time prefixed, as they or such of them will answer the contrary to this House.

will answer the contrary to this House.

Maij 26, 1675. The Cause between Sir Nicholas Crispe, &c. Plaintiffs, and Thomas Dalmahoy Esq; Defendant, appointed to be heard the 27th, was ordered to be heard the

28th Maij.

Maij 27. Upon reading the Petition of Sir Nicholas Crifpe, complaining, that the Counsel assigned him by this House, to plead his Cause at the Bar, wherein Mr. Dalmahoy is one of the Desendants, do resuse to plead for him in this Case, in regard of a Vote of the House of Commons; Sir Nicholas Crispe was called in, and testified, that he shewed the Order of this House to Serjeant Peck, Serjeant Pemberton, Sir John

Churchill, and Mr. Porter.

Whereupon it is Ordered, That, whereas Sir John Churchill, Serjeant Peck, Serjeant Pemberton, and Mr. Porter, were, by Order of this House, dated on the 19th Instant, assigned to be of Counsel for Sir Nicholas Crispe, John Crispe, and Thomas Crispe, in their Cause depending in this House, against Thomas Dalmahoy Esq; a Member of the House of Commons, and other Defendants, at such time as the said Cause shall be appointed to be pleaded at the Bar of this House; and having appointed to hear the said Cause, by Counsel on both sides, to-morrow at three of the Clock in the Asternoon;

It is this day Ordered, that the faid Sir John Churchill, Anno 27 Car. II. Serieant Peck, Serjeant Pemberton, and Mr. Porter, be, and are hereby required, to appear at the Bar of this House. to-morrow, at three of the Clock in the Afternoon, as Counfel to plead in the faid Cause, on the Behalf of the faid Sir Nicholas Crifpe, John Crifpe, and Thomas Crifpe, as they will answer the contrary to this House.

Maij 28, 1675. Council heard at the Bar on both Parts. upon the Perition and Appeal of Sir Nicholas Crifpe, &c. and the Answer of Diana Viscountess Cranbourne, &c. and Thomas Dalmahoy Efq; put in thereunto concerning a Decree in Chancery: Resolved, the Petition and Decree be

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Maij 28. This day the House heard the Counsel of Sir Nicholas Crifpe, John Crifpe, and Thomas Criffe, upon their Petition and Appeal depending in this House; and also the Counsel of the Lady Bowyer, and Mr. Dalmahoy, upon their Answer thereunto; and, after a serious Consideration thereof, the Question being put, whether this Petition and Appeal shall be dismissed this House?

It was resolved in the Ashrmative.

Mr. Serjeant Pemberton, Sir John Churchill, Mr. Serjeant Proceedings a-Peck, and Mr. Porter, attending at the Door, in obedience gainst several to the Order of the House of Commons; and, being severally called in, Mr. Speaker did feverally acquaint them, that they were fummoned to give an Account to the House, of their Breach of an appearing as Council at the Bar of the House of Lords, in Order of the the Profecution of a Cause depending upon an Appeal, where- Commons. in Mr. Dalmahoy, a Member of this House, is concerned, in the manifest Breach of the Order of this House; and giving up, as much as in them lies, the Rights and Privileges of the Commons of England: And they having answered and made Their Defence. their Excuses to the effect following; That they had no notice of the Order or Vote of this House, but what they had heard in common Discourse abroad; and because they conceived Mr. Dalmahoy, a Member of this House, might be concerned, they refused several times to appear as Council, or to accept their Fees; but being affigned of Council for Sir Nicholas Crifpe, and an Order of the House of Lords being ferved on them to attend at their Peril, and that then attending, and Mr. Dalmahoy having put in his Answer in the Lords House, and not insisting on his Privilege afterwards, and the Council for Lady Bowyer, who was the principal Party concerned, denying to be of Council for Mr. Dalmahoy, they conceived they might fafely appear as Council without breach of the Order, or invading the Rights and Privileges of this House, which was not intended by them; and

1675.

Barristers for pleading before the Lords in

1675.

Anno 27 Car. II, and Sir John Churchill, by way of farther Excuse for him felf, faid, that he had Witnesses ready to prove that Mr. Dalmahoy was willing and defirous to have the Bufiness go forward. And the faid Mr. Serjeant Pemberton, Sir John Churchill, Mr. Serjeant Peck, and Mr. Porter, did all of them humbly fubmit themselves to the Pleasure of the House if they had in any thing misbehaved themselves; and being withdrawn, and the Matter debated, the Question being put, That Serieant Pemberton be taken into Custody of the Serjeant at Arms attending this House?

It was resolved in the Affirmative.

They are order'd into Cuftody.

Other Reasons to be offered to the Lords.

Ordered, That Serjeant Pemberton, Sir John Churchill. Mr. Serjeant Peck, and Charles Porter Efg; be taken into Custody of the Serjeant at Arms attending this House.

Mercurij, 2 die Junij. Ordered, That Sir Richard Temple. Mr. Vaughan, and Sir Thomas Lee do withdraw, and attend the Reasons upon the Debates of the House: Which was done; and the Reasons agreed to are as follow.

' The House of Commons do agree with the Lords, that Conferences between the two Houses of Parliament, are elfential to parliamentary Proceedings, when they are agreed in the usual and parliamentary Way; but the Manner of the Lords Agreement to the Conference, to have been on Friday the 28th of May last, at ten of the Clock, in the Painted-Chamber, with Limitation and Proviso, did necessitate the House of Commons to forbear to meet at that Conference, and gave the first Interruption to parliamentary Proceedings, in Conferences between the two Houses.

For that the Conference defired by the Commons, was upon their Privileges, concerned in the Answer of the Lords to a Message of the House of Commons, sent to the Lords the 17th of May, in the Case of Mr. Onslow; to the which the Lords did not agree, but did only agree to a Conference concerning their Privileges in general, without Reference to the Case of the said Mr. Onslow; which was the only

subject Matter of the desired Conference.

The Limitation in the Lords Agreement to a Conference, with Proviso that nothing be offered at the Conference that may any ways concern the Lords Judicature, is in effeet a Denial of any Conference at all, upon the Subject upon which it was defired; which ought not to be.

'The Judicature which the Lords claim in Appeals, against a Member of the House of Commons, and the Privilege of that House in that Case, is so involved, that no Conference can be upon the Matter, without some way touching the former.

' That this manner of agreeing to a Conference, with any Limitation or Proviso, is against the Course of Proceed-

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ings between the two Houses of Parliament, in coming to Anno 27 Car Hi Conferences; and doth feem to place a Power in the Managers of fuch Conferences, to judge whether fuch Provifes be broken or not, and accordingly to proceed or break

off the Conference upon their own Judgments.

' The House of Commons doubt not, but that, when the Lords have confidered of what is delivered at this Conference, the good Correspondence which the Lords express they defire to continue between the two Houses (which the Commons are also no less careful to maintain) will induce them to remove the present Interruption of coming to Conferences; and therefore to agree to the Conference, as it was defired by the House of Commons, upon the Privileges of their House, concerned in the Lords Answer to the Message of the House of Commons, in the Case of Mr. Onflow: That the particular Limitation, that nothing be offered at the Conference, that may any way concern the Judicature of the Lords, appears unreasonable; for that their Lordships Judicature in Parliament is circumscribed by the Laws of the Land, as to their Proceedings and Judgments; and is, as well as all other Courts, subjected to Parliament.'

Jovis, 3 die Junij, 1675. Mr. Vaughan reports, That Mr. Vaughan. the Lord Privy-Seal did manage the Conference, and had delivered the Intent and Occasion of the Conference; which Mr. Vaughan did report to the House, to the Effect follow-

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The Lords do take notice of the House of Commons The Lords Retheir ordering into Custody of their Serjeant, Mr. Serjeant plies. Peck, Sir John Churchill, Mr. Serjeant Pemberton, and Mr. Serjeant Porter, Counsellors at Law; assigned by their Lordships to be of counsel in an Appeal heard at their Lordships Bar, in the Case of Sir Nicholas Crispe, against the Lady Bowyer, Mr. Dalmahoy, and others; the Lords in Parliament, where his Majesty is highest in his royal Estate, and where the last Resort of judging upon Writs of Error, and Appeals in Equity, in all Causes and over all Persons, is undoubtedly fixed, and permanently lodged."

It is an unexampled Usurpation and Breach of Privilege against the House of Peers, that their Orders or Judgments should be disputed, or endeavoured to be controlled, or the Execution thereof obstructed by the lower House of Parliament; who are no Court, nor have authority to adminster

an Oath, or give any Judgment."

'It is a transcendent Invasion on the Right and Liberty of the Subject, and against Magna Charta, the Petition of Right, and many other Laws, which have provided, that no Freeman shall be imprisoned or otherwise restrained of his Liberty, but by due Process of Law."

"This TOME I. Ff

Anno 27 Car.II.

This tends to the Subversion of the Government of the Kingdom, and to the introducing of Arbitrariness and Diff. order.

Because it is the nature of an Injunction from the lower House, (who have no Authority or Power of Judicature over inferior Subjects, much less over the King and Lords) against the Orders and Judgments of the supreme Court.

We are farther commanded to acquaint you, that the Lords have, therefore, out of that Justice which they are Dispensers of against Oppression and Breach of Laws, by Judgment of this Court, fet at liberty, by the Gentleman. Usher of the Black Rod, all the said Serjeants and Counsellors; and prohibited the Lieutenant of the Tower, and all other Keepers of Prisons and Goalers, and all Persons whatfoever, from arrefting and imprisoning, detaining, or otherwise molesting, or charging the said Gentlemen, or any of them in this Case: And if any Person, of what Degree soever, shall presume to the contrary, their Lordships will exercise the Authority with them entrusted for putting the Laws in execution.

And we are farther commanded to read to you a Roll of Parliament in the first Year of the Reign of King Henry the IVth, whereof we have brought the Original

with us.

And a Debate arising thereupon;

Another Conference defired.

, Resolved, That a Conference be defired with the Lords upon the Subject Matter of the last Conference; and that these Members following, be appointed to prepare and draw up Reasons upon the Debates of the House, to be offered at the Conference.

Ordered, That the Officer, in whose Custody is the Record of the first of Henry the IVth, mentioned at the Conference with the Lords, do attend the Committee appointed to draw up Reasons for another Conference this Asternoon: And they are to meet at Three of the Clock, in the Speaker's Chamber, and to fend for Persons, Papers and Records.

Ordered, That no Member of this House do attend the Lords House, upon any Summons from the Lords without Leave of the House.

The Thanks of to the Speaker for causing Serjeant Pemberton to be feiz'd hall:

Veneris, 4 Junij, 1675. Ordered, That the Thanks of the the House given House be returned to Mr. Speaker, for causing Mr. Serjeant Pemberton, formerly committed by order of this House to the Custody of the Serjeant at Arms attending this House, for Breach of Privilege, to be seized and taken into Custody in Westminster- in Westminster-hall, for his Breach of Privilege.

The House being informed, that Sir John Churchill, Anno 27 Car. II Mr. Serjeant Peck, and Mr. Charles Porter, who were ordered to be taken into Custody of the Serjeant at Arms at-

tending this House, are now in Westminster-hall;

Ordered. That the Serieant at Arms now attending this House, do go with his Mace into Westminster-hall, and do execute the Order of this House and the Warrant of Mr. Speaker thereupon; for feizing and bringing in Cuflody Mr. Serjeant Peck, Sir John Churchill and Mr. Charles Porter, for their Breach of the Privilege of this House.

The Serjeant returning, gave an Account, that he had executed the Order of this House and Mr. Speaker's Warrant The three other thereupon, and had brought the faid Mr. Serjeant Peck, Sir Barrifters feiz'd John Churchill and Mr. Charles Porter, in Custody, into the in the same

Speaker's Chamber.

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The Question being put, that Sir John Churchill, Mr. Strieant Peck, Mr. Serjeant Pemberton, and Mr. Charles Porter be sent to the Tower, for their Breach of Privilege and Contempt of the Authority of this House?

It was resolved in the Affirmative.

Ordered, That Mr Speaker do issue his Warrant to the And together Lieutenant of the Tower to receive them into his Cu- with Pemberstody.

Ordered, That John Popham Esq; the now Serjeant at Arms attending this House, be protected against all Persons that shall any ways molest or hinder him from executing his Office.

Sir Thomas Lee reports from the Committee, the Reasons Sir Thomas agreed to be offered at the Conference to be had with the Lee's Report Lords, upon the Matters delivered at the last Conference, which were twice read, and, with some Amendments made at the Table, severally agreed; and are as follows, viz.

'Your Lordships having defired the last Conference, Other Reasons upon Matters of high Importance, concerning the Dignity to be offer'd the of the King, and the Safety of the Government, the Com- Lords. mons did not expect to hear from your Lordships at that Conference, Things fo contrary to, and inconfiftent with, the Matter upon which the faid Conference was defired, as

were then delivered by your Lordships.'

'It was much below the Expectation of the Commons, that, after a Representation of your Lordships Message, of Matters of so high Importance, the Particular upon which the Conference was grounded, should be only the Commitment of four Lawyers to the Custody of their own Serjeant at Arms, for a manifest Violation of the Privileges of their House.

ton fent to the Tower-

anozyCar. II. But the Commons were much more furprized, when your Lordships had introduc'd the Conference with an AC furance, that it was in order to a good Correspondency between the two Houses, that your Lordships should immediately affume a Power to judge the Orders of the House of Commons for Imprisonment of Mr. Serjeant Pemberton. Mr. Serjeant Peck, Sir John Churchill, and Mr. Charles Porter, to be illegal and arbitrary: and the Execution thereof a great Indignity to the King's Majesty; with many o. ther high Reflections upon the House of Commons, throughout the whole Conference: whereby your Lordships have condemned the whole House of Commons as criminal. which is without precedent or example, or any ground or reason so to do."

It is not against the King's Dignity for the House of Commons to punish by Imprisonment, a Commoner that is guilty of violating their Privileges, that being according to the known Laws and Customs of Parliament, and the Right of their Privileges declared by the King's royal Predecessors

in former Parliaments, and by himself in this.'

But your Lordships claiming to be the supreme Court, and that his Majesty is highest in his royal Estate in the Court of Judicature there, is a diminution of the Dignity of the King, who is highest in his royal Estate in full Parliament; and is derogatory to the Authority of the whole

Parliament, by appropriating it to yourselves.

The Commons did not by this Imprisonment infringe any Privileges of the House of Peers, but only defend and maintain their own: On the other fide, your Lordships do highly intrench upon the Rights and Privileges of the House of Commons, by denying them to be a Court or to have any Authority or Power of Judicature; which, if admitted, will leave them without any Power or Authority

to preferve themselves."

As to what your Lordships call a transcendent Invasion of the Rights and Liberties of the Subject, and against Magna Charta, the Petition of Right, and many other Laws; the House of Commons presume that your Lordships know, that neither the Great Charter, Petition of Right, or any other Laws, do take away the Law and Custom of Parliament, or of either House of Parliament, or elfe your Lordships have very much forgotten the Great Charter, and those other Laws, in the several Judgments your Lordships have paffed upon the King's Subjects in Cases of Privilege. But the Commons cannot find by Magna Charta, or by any Law or ancient Custom of Parliament, that your Lordships have any Jurisdiction in Cases of Appeal from the Courts of Equity. · We

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We are farther commanded to acquaint you, that the Anno 27 Car. II. Enlargment of those Persons in Prison by order of the House of Commons, by the Gentleman-Usher of the Black Rod. and the Prohibition which threatens all Officers and other Persons whatsoever, not to receive or detain them; is an apparent Breach of the Rights and Privileges of the House of Commons: And they have, therefore, caused them to be retaken into the Custody of the Serjeant at Arms attending this House, and have committed them to the Tower.

As for the Parliament-Roll of the 1st of King Henry the IVth, caused to be read by your Lordships at the last Conference, but not applied; the Commons apprehend it doth not concern the Case in question: For that this Record was made upon occasion of Judgments given by the Lords, to depose and imprison their lawful King; to which the Commons were not willing to be made Parties. therefore the Commons conceive it will not be for the Honour of your Lordships to make farther use of that Record.

But we are commanded to read your Lordships the Parliament-Roll of 4 Edw. III. N. 6. which if your Lordships please to consider, they doubt not but your Lordships will

find occasion to apply it to the present Purpose.

Ordered, The Thanks of the House be given to the Speaker, The Speaker for his Care in issuing the Warrant for retaking the Persons thank'd a se-

committed yesterday into Custody.

The Serjeant at Arms was then ordered to be fent to the Tower; and the other Serjeant at Arms attending, was ordered to apprehend him for betraying his Trust, in not executing his Office, in bringing the Persons committed Yesterday to his Custody, to the Bar of the House.

An Address ordered to be prepared, to be presented to his Majesty, to desire a new Serjeant at Arms to attend the

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Saturday, June 5, 1675. Mr. Secretary Coventry acquainted Mr. Secretary the House, that it was his Majesty's desire, that the House Coventry, in his would adjourn till four of the Clock in the Afternoon, and Majefty's that both Houses should at that Time attend him in the Ban- Name, desires queting-House at Whitehall.

A Debate arifing touching the Removal of John Popham Esq; Serjeant at Arms in Ordinary, attending the House yesterday, the farther Debate thereof was adjourned till Five o'clock in the Afternoon, and then the House adjourned till

Four in the Afternoon.

In the Afternoon, the House then met at the Time they adjourned to, and went in a Body to his Majesty at Whitehall; and the House of Lords being also present, his Majety made the following Speech.

an Adjourn-

Anno 27 Car. II. 1675.

The King's Speech.

My Lords and Gentlemen, 70U may remember, that, at the meeting of this Seffion: I told you no endeavour would be wanting to make the continuance of this Parliament unpracticable. I am forry that Experience hath fo quickly shewed you the Truth of what I then faid; but I hope you are well convinced, that the Intent of all these Contrivances is only to procure a Diffolution. I confess, I look upon it as a most malicious Design of those who are Enemies to me and the Church of England; and, were the Contrivers known, I should not doubt but the Dislike of their Practices would alone be a means of bringing the Houses to a good Understanding; but, fince I cannot prescribe any way how to arrive to the Discovery of it, I must tell you plainly my Opinion, that the Means to come to any Composure between yourselves, cannot be without admitting of fuch free Conferences, as may convince one another by the Reasons then offered; or enable me to judge rightly of the Differences, when all hath been faid on both fides which the Matter will afford: For I am not to fuffer these Differences to grow to Diforders in the whole Kingdom, if I can prevent it; and I am fure my Judgment shall always be impartial between my two Houses of Parliament. But I must let you know, that whilst, you are in debate about your Privileges, I will not fuffer my own to be invaded. I have nothing more to fay to you at this Time, but to defire, as I did when we met first, that you would yet consider, and not suffer ill Men's Designs to hinder the Sessions from a happy Conclusion.

The House of Lords presented an Address to his Majesty, to remove the Lieutenant of the Tower; whereupon the Lord Treasurer reported his Majesty's Answer, viz. 'That his Majesty hath considered the Circumstances of the Matter, and is not satisfied how with justice he can remove him.'

The humble Thanks of the House given to his Majesty. The House then took into consideration his Majesty's Speech, and resolved, nemine contradicence, That the humble Thanks of this House be returned to his Majesty, for the gracious Expressions in his Speech this Day made to both Houses of Parliament; and such Members of this House as are of his Majesty's Privy Council are desired to present the humble Thanks of this House to his Majesty.

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Refolved, That it doth not appear to this House, that any Member thereof hath either contrived or promoted the Difference between the two Houses of Parliament; or, in asserting the Rights of the Commons of England, and the Privileges of this House, hath done any thing inconsistent with

his Duty, or the Trust reposed in him. And then adjourn- AnnozyCar. II.

ed to Monday, June 7.

On Monday, June 7. The House resolved, that what Serjeant Popham did in retaking the four Lawyers into his Custody, and conducting them to the Tower of London, was in pursuance of his Duty, and by the Order of the House; and the farther Debate concerning the said Serjeant at Arms was adjourned till Wednesday Morning.

A Copy of an Order from the House of Lords for the hearing Counsel in the Case of Sir John Fagg, a Member of this House, to-morrow Morning, was then read and debated: And resolved, that as to the Case of Appeal brought against Sir John Fagg in the House of Lords, he shall have the Protection and Assistance of this House.

Resolved, nemine contradicente, That if any Person or Perfons shall be aiding or affifting in putting in execution any Sentence or Judgment that shall be given by the House of Lords, upon the Appeal brought by Dr. Shirley against Sir John Fagg, a Member of this House, such Person or Persons shall be adjudged and taken to be Betrayers of the Rights and Liberties of the Commons of England, and the Privileges of this House, and shall be proceeded against accordingly.

Ordered, That these Votes be made public, by setting them up in Westminster-hall, and in the Lobby of this House, and the Clerk of the House to take care to see it

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In the Afternoon, the House proceeded in the farther Consideration of effectual Means for the Preservation of their Rights and Privileges, and refolved, nem. con. That no Person, committed by Order or Warrant of this House, for Breach of the Privileges or Contempt of the Authority of the House, ought to be discharged during this Session of Parliament, without the Order or Warrant of this House.

Resolved, nem. con. That the Lieutenant of the Tower of London, in receiving and detaining in Custody Sir John Churchill, Serjeant Peck, Serjeant Pemberton, and Mr. Porter, hath performed his Duty according to Law; and for his fo doing he shall have the Assistance and Protection

of this House.

Resolved, That the Lieutenant of the Tower, in Case he hath, or shall receive any Writ, Warrant, Order, or Command, to remove or deliver any Person or Persons committed to his Charge, for Breach of the Privileges, or Contempt of the Authority of the House of Commons, by Order or Warrant of the House, shall not make any Return thereof, or yield any Obedience thereto, before he hath

Anno 27 Can'II. first acquainted the House therewith, and received their 1675. Order and Direction how to proceed therein.

Ordered, That these Resolutions be immediately sent to the Lieutenant of the Tower, and then the House ad-

journed.

Tuesday, June the 8th, 1575. A Message sent to the Lords to remind them of the last Conference; upon the fibject Matter delivered by the Lords at the last Conference.

Sir John Robinof the Tower, defires the Advice of the House in relafoners.

Receives the Thanks of the House,

Sir John Robinson informing the House, that he had re. son, Lieutenant ceived the four Lawyers committed to his Custody by this House, and denied to deliver them to the Gentleman-Usher of the Black-Rod; and that he was served last Night with four Writs of Habeas Corpus, to bring the faid four Lawyers tion to his Pri- before the King and his Parliament at Westminster this Morning, and craved the Advice of the House what to do therein:

Ordered, The Thanks of the House to be given to the faid Sir John Robinson for his Behaviour therein, and and Mr Speaker intimated to him, that he should forbear to return the faid Writs of Habens Corpus, which were read and debated; and the farther Debate thereof was adjourned till to-morrow morning, and a Committee appointed to fearth the Lords Journals, to see what hath been done in the Case of the four Lawyers, the Writs of Habeas Corpas, and Mr. Serjeant Popham, and to fearch for Precedents on the Writs

of Habeas Corpus; and adjourned.

Mercurij, 9 die Junii. Sir Thomas Clarges reports, from the Committee to whom it was referred to fearch for Precedents touching Writs of Habeas Corpus, returnable in Parliament; That the Committee had found several Precedents of Writs of Habeas Corpus returnable in Parliament, and had confidered of them: And that the Committee thereupon had agreed upon four Resolves to be presented to the House, which he read in his Place, and afterwards delivered the fame in at the Clerk's 'Fable, where they being twice read, were upon the Question severally agreed to, and are as

Resolved, Nem. con. 1. That no Commoners of England committed by the Order or Warrant of the House of Commons, for Breach of Privilege or Contempt of the Authority of the faid House, ought, without Order of the House, to be, by any Writ of Habeas Corpus, or any other Authority whatfoever, made to appear and answer, or receive any Determination in the House of Peers, during that Session of Parliament wherein fuch Persons were so committed.

Resolved, Nem. con. 2. That the Order of the House of Peers, for the Issuing out the Writs of Habea's Corpus concerning Mr. Serjeant Pemberton, Mr. Serjeant Peck, Sir

Sir Thomas Clarges's Report.

John Churchill, and Mr. Charles Porter, is infufficient and Anno 27 Car. II. illegal; for that it is general, and expresses no particular Cause of Privilege, and commands the King's Great Seal to be put to Writs not returnable before the said House of

Resolved, Nem. con. 3. That the Lord-Keeper be acquainted with these Resolutions, to the end that the said Writs of Habeas Corpus be superseded, as contrary to Law

and the Privileges of this House.

Resolved, Nem. con. 4. That a Message be sent to the Lords, to acquaint their Lordships, that Mr. Serjeant Peck, Sir John Churchill, Mr. Serjeant Pemberton, and Mr. Charles Porter, were committed by Order and Warrant of this House, for manifest Breach of Privilege, and Contempt of the Authority of this House."

Ordered, That Col. Birch do go up to the Lords with a . Message, that a Conference is desired upon the subject Matter

of the last Conference.

A Message was this Day sent from his Majesty in the The House House of Lords, by Sir Edward Carteret, Usher of the commanded Black-Rod, commanding this honourable House to attend to attend his Majefty in the his Majesty forthwith in the House of Peers; and accordingly House of Peers. Mr. Speaker went up with the House, where his Majesty was pleased to make the following Speech to them.

' My Lords and Gentlemen,

Think I have given sufficient Evidence to the World, The King's Think I have given fullicities on my part, in my En-that I have not been wanting on my part, in my En-' deavours to procure the full Satisfaction of all my Subjects, in the Matters both of Religion and Property: I have not only invited you to those Considerations at our first Meeting, but I have been careful through this whole ' Session, that no Concern of my own should divert you from them.

Besides, as I had only designed the Matter of it to be ' the procuring of good Laws, so for the gaining of them, 'I have already waited much longer than I intended; and ' should have been contented still to have continued my ' Expectation, had there any Hopes remained of a good 'Conclusion. But I must confess, the ill Designs of our ' Enemies have been too prevalent against those good ones 'I had proposed to myself, in behalf of my People; and those unhappy Differences between my two Houses are grown to such a Height, that I find no possible Means of putting an end to them but by a Prorogation. with great Unwillingness that I make use of this Expedient, having always intended an Adjournment, for the Preservation of such Bills as were unfinished. But my ' Hopes are, that, by this means, the present Occasion of Dif-TOME I. · ferences

1675.

- anno 27 Car. II. ferences being taken away, you will be fo careful here-' after of the Public as not to feek new ones, nor to revive " the old.
 - I intend to meet you here again in Winter, and have directed my Lord-Keeper to prorogue you till the thirteenth Day of October next.

The fifteenth Seffion of the Second Parliament.

October 12. Both Houses met, according to Prorogation. after a Recess or Interval of a little above four Months. And the King open'd the Sellion with the following Speech to both Houses:

The King's Speech to both Houses.

· My Lords and Gentlemen, Meet you now with more than usual Concern for the Event of this Selfion; and I know it is but what may reasonaby be expected from that Care I owe to the Preservation of the Government. The Causes of the last Prorogation, as I, for my part, do not desire to remember, so I hope no Man else will, unless it be to learn from thence, how to s avoid the like Occasions for the future: And I pray confider how fatal the Consequence may be, and how little Benefit is like to redound to the People by it. However, if any Thing of that Kind shall arise, I desire you wou'd defer those Debates, till you have brought such public Bills to perfection as may conduce to the Good and Safety of the Kingdom; and particularly I recommend to you, whatever may tend to the Security of the Protestant Religion, as

it is now establish'd in the Church of England. 'I must likewise desire your Assistance in some Supplies, as well to take off the Anticipations which are upon my Revenue, as for Building of Ships; and tho' the War has been the great Cause of these Anticipations, yet I find, by a late Account I have taken of my Expences, that I have not been altogether so good a Husband, as I might have been, and as I refolve to be for the future: Although, at the fame time, I have had the Satisfaction to find, That I have been far from fuch an Extravagancy in my own Expence, as some wou'd have the World believe. I am not ignorant, that there are many who wou'd prevent the Kindness of my Parliament to me at this Time; but I as well know that your Affections have never fail'd me: And you may remember, it is now above three Years fince I have s ask'd you any thing for my own Use. The rest I refer to my Lord Keeper.

Who faid, 'My Lords, and you the Knights, Citizens, The Lord Keeper Finch's and Burgesses of the House of Commons, The Causes of this present Assembly, and the Reasons which have mov'd his Majesty

Majesty to command your Attendance upon him at this Time, Anno 27 Car. II. are of the highest Importance. The King resolves to enter into Terms of the ftrictest Correspondence and Endearment with his Parliament; To take your Counsel in his most weighty Affairs; To impart all his Cares to you; To acquaint you with all his Wants and Necessities; To offer you all that can be yet wanting to make you enjoy yourselves; To establish a right Understanding between Himself and his Three Estates, and between the Estates themselves; to redress all your just Complaints, and to put all his Subjects at Ease, as far as in him lies, and can consist with the Honour and Safety of the Government. And, having made all these Advances, he doubts not but you will behave yourselves like those that deserve to be call'd the King's Friends, and that you will pur him at ease too. There is no Cause why any Fears of Religion or Liberty shou'd divert you: For his Majesty hath so often recommended to you the Considerations of Religion, so very often defred you to assist him in his Care and Protection of it, That the Defender of the Faith is become the Advocate of it too, and hath left all those without Excuse who still remain under any kind of Doubts or Fears. Again, the Care of your Civil Rights and Liberties hath been so much his Majesty's, that the more you reflect upon these Concerns, the more you will find yourselves obliged to acknowledge his Majesty's Tenderness of you, and Indulgence to you. Search your own Annals, the Annals of those Times you account most Happy, you will scarce find one Year without an Example of something more severe, and more extraordinary, than a whole Reign hath yet produc'd. Peruse the Histories of foreign Nations, and you shall find, Statues and Altars too have been erected to the Memories of those Princes, whose best Virtues never arriv'd to half that Moderation, which we live to fee and enjoy. No King did ever meet a Parliament with juster Cause of Confidence in their Affections: And therefore his Majesty will not fuffer himself to doubt, but relies firmly upon it, that you never will forfake him, when he is under any kind of Difficulties. He doth affure himself that you will now think fit to provide for his Honour and your own Safety, by helping him to pay some part of his Debts, and to make his Navy as Great and as Confiderable, as it ought to be. For the Greatness of the King, is the Greatness and Safety of his The Springs and Rivers which pay Tribute to the Ocean, do not lessen, but preserve themselves by that Contribution. It is impossible that those Affections that Piety and Allegiance first planted, which Persecution cou'd not abate, which the gracious Influences of his Majesty's happy Government have hitherto encreas'd, shou'd now appear to wither Gg 2

1675.

Anno 27 Car. II. and decay: But then the best Indication of the Heart is by the Hand. And because it is of infinite Moment to the King's Affairs that there should be a chearful Concurrence to his Supplies, there let Hand and Heart both join in the Oblation, for that will make it a Sacrifice well pleafing

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' My Lords and Gentlemen, The Happiness of this prefent Age, and the Fate and Fortune of the next too, is very much in your Hands, and at this Time; All that you would defire to fettle and improve; All that you wou'd wish to secure and transmit to your Posterities, may now be accomplish'd. Wou'd you raise the due Estimation and Reverence of the Church of England to its just Height? Wou'd you provide for the Safety and Establishment of it? Do there want any Laws to secure the Peace and Quiet of the State? Wou'd you enrich and adorn this Kingdom, by providing for the Extent and Improvement of Trade, by introducing new and useful Manufactures, and by Encouraging those we have already? Wou'd you prevent all Frauds and Perjuries, all Delays and Abuses in the Administration of Justice? Wou'd you preserve a famous City from being depopulated by the Suburbs? Wou'd you restrain the Excess of those new Buildings which begin to fwarm with Inhabitants unknown? All your Petitions of this kind will be grateful to the King; and you may with Ease effect all these and much more which your great Wisdoms will suggest to you. A little Time will ferve to make many excellent Laws, and to give you the Honour to be the Repairers of all our Breaches; so as that Time be wholly employed upon the Public, and not taken up by fuch Confiderations as are less meritorious. If therefore there be any, without Doors, that labour to difunite your Counsels, or to render them ineffectual; If they can hope that the Occasions for this may arise from some Differences within yourselves, or hope by those Differences to disguise their own Disaffections to your good Proceedings; 'tis in your power to defeat those Hopes, to pull off this Difguife, and to fecure a happy Conclusion of this Meeting, by studying to preserve a good Correspondence, and by a careful avoiding all fuch Questions as are apt to engender Strife. And if ever there were a Time, when the Gravity of the Council, the Wisdom, and good Temper of a Parliament, were necessary to support that Government which only can support these Assemblies, certainly this is the Hour. You fee with what Zeal the King hath recommended to you a good Agreement between yourselves, and that he doth it with all the Care and Compatition, all the Earnestness and Importunity, fit for so great a Prince to express, who would be very forry that any fuch Misfortune as your Difagreement, shou'd either deprive him of your Advice and Af- Anno 27 Car. IL filtance, or his People of those good Laws which he is ready to grant you. There is no other Way our Enemies can think of, by which 'tis possible for this Session to miscarry; for Fears and Jealousies cannot enter here, Calumnies and Slanders will find no place amongst wise and good Men. They that use these Arts abroad, will quickly be discredited. when the World shall see the generous Effects of your Confidence. Men will despair of attempting any Disturbance in the State, when they fee every Step that tends that Way. ferves only to give you fresh Occasions to testify your Loyalty and your Zeal. You have all the Reason in the World to make Men see this; for you have the same Monarchy to asfert, the same Church to defend, the same Interests of Nobility and Gentry to maintain, the same excellent King to contend for, and the same Enemies to contend against.

And now, my Lords and Gentlemen, fince the whole Seffion of Parliament is, in the Judgment and Conftruction of our Law, but as one Day, let us all endeavour that the Morning of it, the first Entrance upon it, may be with such fair and auspicious Circumstances as may give the whole Kingdom an Affurance of a bright and chearful Day. Let no ill Humours gather into Clouds to darken or obscure it; for this Day is a Critical Day, and more depends upon that Judgment of our Affairs which will be made by it, than can eafily be imagin'd. It imports us therefore to take care that no Part of this Time be loft; let every precious Minute of this Day be spent in receiving such Acts of Grace and Goodness as are ready to flow from the King, and in making fuch Retributions for them as may become the grateful Hearts of the best of Subjects to the best of Kings. this Day become a Day of Disappointment and Discomfort to our Enemies, but to us and all good Men a Glorious Day, a Day of Triumph and Deliverance, a Memorable and Joytul Day to this present, and to all future Generations.'

Business began in the House of Commons with reassuming ings of the fuch public Bills as they had fet on foot in the last Session, House. and others that prov'd to the more immediate Liberty of the Subject; as the Bill for Habeas Corpus; that against fending Men Prisoners beyond Sea; another against raising Money without Consent of Parliament; a fourth against Papists fitting in either House; another for speedier Convicting of Papists; another for recalling the King's Subjects out of the French Service, &c. But a private Quarrel happening between the Lord Cavendish, Sir Thomas Meers, and Colonel Thomas Howard in St. James's Park, in which they thought the Honour of the House concern'd, they first sent the Lord Cavendish, one of their Members, and afterwards Colonel

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Annoay Car. II. Howard, to the Tower: And then ordered a Bill to be 1675. brought in, to prevent Challenges, Duels and Quarrels, and

the Mischiess that may thereby ensue.

The Accounts of the Nation ftated.

Arguments thereon.

After a Week's Sitting, the Commons began to think of a Supply, and took into Confideration all the Charges and Expences of the late War. The Account of which stands thus in the Journals of the House of Commons. The Charges of the two Years War amounted to two Millions and form thousand Pounds; and what was given by the Parliament what arose from the Customs that ought to have been appropriated, and what was gain'd by the Prizes, and the Dutch Contributions at last, did all together amount to three Mil. lions and forty thousand Pounds; so there remain'd a full Million misapply'd or wasted by ill Management. In confequence of which they add, 'That, at the Beginning of this War, by the illegal stopping of the Exchequer, the rest of the Revenue, as well as the Customs before mention'd were discharg'd of all Incumbrances, and became a clear Revenue to the Crown, and was more than enough to fatisfy all other reasonable Expences of the Crown and Government ever fince, and fo there is no Reason to give a Tax whilf w continue in a Peace. But if it be objected, That fince the faid Million of Money is gone, and this overgrown Reve nue is all spent, and even now goes on to be further charge in these two Years of Peace, than it was left charg'd after the faid two Years of War; and tho' it is own'd Things an much amis, and the management very ill, wishing it might be amended, yet the Parliament must look forwards, the Go vernment must be supported, the Councils must not be made desperate, and therefore the King must be supply'd: The Answer is, That this Kind of Reasoning and Timorousness hath brought on us all the Taxes and Mischiefs we have fuffer'd these Nine Years past, and yet nothing is amended and they still go on, till they are made desperate, which the Parliament ought to prevent. There is no Fear of Break ing the Bankers the Second Time, and paying Debts by the dishonourable Way; it is easy to demonstrate how the la contracted Debt may be in a few Years discharg'd by the Revenue, and his Majesty's necessary Expences sufficiently Supply'd by honest and careful Management. No Parliament is oblig'd to pay the King's Debts by a Tax: By the list Reasoning we ought to pay such another about a Year and half hence, and so encourage the Court to exact two Million and a half yearly, as hitherto they have done, to the great Disquiet and Impoverishment of the Nation; and if (unlook) for) they shou'd prove good Husbands or frugal, then to the imminent Hazard and Loss of Parliaments, and the autical Liberties of the Subject, as now in France. Since the Wa

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s ended, the whole Charge of the Government both by Sea Anno 27 Car. II. nd Land amounts not to above feven hundred thousand Pounds per Annum; and the clear Income of the Revenue at present comes at least to fixteen hundred thousand Pounds er Amum; Quare, What is become of near a Million per Annum? And yet the King hath these two Years last, prob Dolor! anticipated his Revenue near a Million more, as his Creatures, and worthy Trustees for their Country, have confess'd in Parliament, as a powerful Argument to enforce the Commons to pay such Debts, and by a farther Law enail perpetual Anticipations upon the Kingdom, to its utter Ruin and Defolation.

Upon Consideration of all this, they finally Resolv'd, 'That they wou'd not grant any Supply to his Majetty for the taking off the Anticipations that were upon his Revenue. But foon A Supply voted. after they voted a Supply of three hundred thousand Pounds for the Building of twenty Ships of War, viz. One first Rate, of fourteen hundred Tun; Eight second Rates, of eleven hundred Tun; and Eleven third Rates, of feven hundred Tun. But again resolv'd to appropriate the ancient Tunnage and Poundage to the Use of the Navy; which prov'd very unacceptable to the Court. Another Thing under Confideration was the Trade with France; concerning which * Sir An Account of George Downing deliver'd in the following Paper, entitled, 'A the Trade with Schedule of the Trade, as it is at present carry'd on between France, deli-England and France, in Commodities of the Native Product George and Manufacture of each Country, calculated as exactly as Downing. possible, in Obedience to the Command of the right honourable the Lords Commissioners for the Treaty of Commerce with England, humbly tender'd to your Lordships.' The Particulars of the Commodities exported from England to France, and the Commodities imported from France into England, are for Brevity fake omitted; and by the Accounts given to the Lords Commissioners, it is perceiv'd, That the Linnen and Silk Manufactures only imported from France amount to upwards of eight hundred thousand Pounds; and that the Manufacture of Wool and Silk exported into France, doth not amount to eighty five thousand Pounds; as also that all otherCommodities of the Product and Manufacture of England, exported into France, do not amount to ninety thousand Pounds more: Whereas the Wine, Brandy, and other Commodities of the Product and Manufacture of France imported into England, amount to upwards of three hundred thousand Pounds, besides an incredible Value of Toys, rich Apparel, Point-Lace, &c. and so it is apparent that the Exports of our natural Commodities and Manufactures to France, are less in Value by at leaft a Million Sterling than the Native Commodities and Manufactures of France, which we receive from thence; And if

^{*} Commissioner of the Customs, and Teller of the Exchequer.

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Anno 27 Car. II. your Lordships please to reflect thereupon, they will discover the Prejudices the English Nation sustains, and the gear Advantages the French have, and do easily make by holding the Treaty in suspense; this Notice upon the Matter excluding Trade thither, whilft in the mean time the French enjoy all and as great Advantages, as they can reasonably expect by any Treaty. Upon this Subject they order'd a Bill to be brought in, which was receiv'd with Approbation.

About this Time the House having been surmiz'd to be

A new Teft against Bribery.

under a corrupt Influence, the following Test was brought in for every Member to take by way of Purgation. This Test never being publish'd, will be worth the Remembring, and runs thus: 'I A. B. do protest before God, and this House of Parliament, that directly nor indirectly, neither I, nor any for my Use, to my knowledge, have, fince the first Day of January 1672, had, or received any Sum or Sums of Money by ways of Imprest, Gift, Loan, or otherwise from the King's Majesty, or any other Person by his Maje. fly's Order, Direction or Knowledge, or by Authority de riv'd from his faid Majesty, or any Pardon, Discharge, or Respite of any Money due to his said Majesty upon Account, or any Grant, Pension, Gratuity, or Reward, or any Promise of any such Office, Place or Command, of or from his Majesty, or out of any Money, Treasure, or Estate, of or belonging to his Majetty, or of, from, or by any foreign Ambaffador, or Minister, or of, or from or by any other Person in the Name, or by the Appointment, or with the Knowledge of his Majesty, or any of them; otherwise than what I have now in Writing faithfully discover'd, and deliver'd to this House, which I have subscrib'd with my Name: Neither do I know of any fuch Gift, Grant, or Promise so given or made fince the faid Time to any other Member of this Houle, but what I have also inserted in the said Writing; nor have I given my Vote in Parliament for any Reward or Promile whatfoever. So help me God, e.c.

The Complaint of Mr. Luzancy to the Houfe.

But while the House had these important Matters under Deliberation, one Monfieur Luzancy, a converted Papil, informed the House of his being compell'd, on pain of his being affaffinated, or forc'd beyond Sea, by one Mr. St. Germain a celebrated Jesuit, to a Recantation, to which he added the following Particulars, viz. 'The faid Monsieur St. Germain, feveral times conferring with Me, has attefted to me what follows: 1. That the King was a Roman-Catholic in his Heart. 2. That the Court were endeavouring to get a Liberty of Conscience in England for the Roman-Catholics; and, that granted, in two years most of the English wou'd acknowledge the Pope. 3. That he knew the King's Intentions concerning Religion, and that he was fure his Majesty wou'd approve of all he shou'd do in that Matter.

a. That he laugh'd at the Parliament, as being only a Wave Anno 27 Can II. that had but a little Time; and faid, that nobody was better welcome at Court, and had greater Intrigues with any of the Nobility than He. 5. That it was good fometimes to force People to Heaven; and that there were an infinite Number of Priests and Jesuits in London, that did God very great Service. All these Things will be sworn by Mr. Luzancy to have been affirm'd by the Jesuit St. Germain, who is the busiest Man amongst them all against Protestants; and many Persons of good Credit and Repute are also ready to justify upon Oath, that several of the Roman-Catholics have spoken Things quite as bad, or worfe: In a word, they are grown fo bold and infolent, especially the French and Irish, that a Profelyte cannot walk the Streets, without being threatned at every Step, and call'd a thousand opprobrious Names.

The Consequences of this, was a Design in both Houses The revival to vouchfafe a Toleration to Protestant Dissenters. But while of the Dispute this, and several other Bills were depending, the unfortunate between the Contest was revived between the two Houses, concerning casioned by Dr. Shirley and Sir John Fagg; the former having continu'd Dr. Shirley's his Process against the latter, and the Lords themselves ad- Appeal to the hered to their first Hearing of his Appeal. Upon which Lords.

the Commons proceeded as follows:

Saturday, Nov. 13. 1675. An Order from the Lords to hear Sir John Fagg's Cause to-morrow Morning, was this Day read in the House of Commons, and debated, and the farther Debate thereof adjourned till Monday morning next.

Monday, Nov. 15. The House resolved, that the prosecuting Appeals in the Lords House, by Dr. Thomas Shirley against Sir John Fagg, a Member of this House, is a Breach of the Privileges of this House; and that the said Sir John Fagg do not make any Defence at the Lords Bar, in the faid Appeal; and the farther Debate thereof was adjourned till to-morrow Morning.

Tuesday, the 16th, adjourned the farther Debate of Sir John Fagg's Bufiness till to-morrow Morning; and on Wednelday, adjourned the farther Debate till Thurlday; when Sir John Fagg's Bufiness was resumed, and resolved that a Conference be defired of the Lords for avoiding Differences between the two Houses, and then adjourned till Friday

Morning.

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Friday the 19th. Sir William Coventry reports from Sir William the Committee, to whom it was referred, to prepare Coventry's Re and draw up Reasons to be offered at the Conference to be port relating defired with the Lords, for avoiding the Occasions of reviving the Differences between the two Houses; and a Paper of Reasons agreed by the said Committee, to be reported to TOME I. Hh

Anno 27 Car. II. the House, being read, and the same being agreed to, is as 1675. followeth, viz.

A Paper propos'd to be deliver'd to the ference,

His Majesty having recommended to us, at the Opening of this Sellion of Parliament, the avoiding this Difference; if possible; and if it could not be prevented, that then we Lords at a Con- should defer these Debates till we had brought such public Bills to perfection, as may conduce to the Good and Safety of the Kingdom: The Commons esteem it a great Misfortune, that, contrary to that most excellent Advice, the Proceedings in the Appeal, brought the last Session against Sir John Fagg, by Mr. Shirley, have been renewed, and a Day set for hearing the Cause; and therefore the Commons have judged it the best way, before they enter into the Argument of Defence of their Rights in this Matter, to propose to your Lordships, the putting off the Proceedings in that Matter for some short time; that so they may, according to his Majesty's Advice, give a Disparch to some Bills now before them, of great Importance to the King and Kingdom; which being finished, the Commons will be ready to give your Lordships such Reasons against those Proceedings, and in Defence of their Rights, as we hope may fatisfy your Lord. fhips, that no fuch Proceedings ought to have been.

Resolved, That a Message be sent to the Lords, to desire a Conference, to preserve the good Correspondence between

the two Houses.

Resolved, That whosoever shall prosecute any Appeal before the Lords, against any Commoner of England, from any Court of Equity, shall be deemed a Betrayer of the Rights and Privileges of the Commons of England; and shall be proceeded against accordingly: And the Resolution ordered to be affixed in the Lobby, Westminster-Hall-Gate, and all Inns of Court and Chancery; and then adjourn'd

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till next Morning.

Nov. 20. Ordered, That Dr. Thomas Shirley be taken into Custody by the Serjeant at Arms attending this House, as also Sir Nicholas Stanton, for serving Mr. Onflow with an Order to attend the Lords; and then adjourned to Monday, Nov. 22. When his Majesty, a second Time, put a Stop to the Broil, by proroguing the Parliament to February come Twelve-month.

Feb. 15, 1676-7. The Parliament met according to Prorogation, after an Interval of almost fifteen Months, when

the King thus address'd himself to both Honses:

The fixteenth Seffion of the fecond Parliament.

Dr. Shirley or-

dered into

Cuftedy.

' My Lords and Gentlemen,

Have called you together again after a long Prorogation, that you might have an Opportunity to repair the Misfortunes of the last Session, and to recover and * restore

The King's Speech to both Houses,

reflore the right Use of Parliaments. The Time I have Anno 29 Car. It. given you to recollect yourselves in, and to consider whither those Differences tend, which have been so unhappily manag'd and improv'd between you, is enough to leave you without all Excuse, if ever you fall into the like again. I am now refolv'd to let the World see, That it shall not be my Fault, if they be not made happy by your Confulstations in Parliament. For I declare myself very plainly to you, that I am prepared to give you all the Satisfaction and Security in the great Concerns of the Protestant Ree ligion, as it is establish'd in the Church of England, that fhall reasonably be ask'd, or can consist with Christian Prudence; and I declare myself as freely, that I am ready to gratify you in a further Security of your Liberty and Property (if you can think you want it) by as many good Laws as you shall propose, and as can consist with the Safety of the Government, without which there will neither

be Liberty nor Property left to any Man.

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' Having thus plainly told you what I am ready to do for you, I shall deal as plainly with you again, and tell you what it is I do expect from you. First, I do expect and require from you, that all Occasions of Differences' between the two Houses be carefully avoided; for else they, who have no Hopes to prevent your good Resolutions, will hope by this Referve to hinder them from taking any Effect. And let all Men judge who is most for arbitrary Government, they that foment such Differences as tend to dissolve 'all Parliaments; or I, that wou'd preserve this and all Parliaments from being made useless by such Distensions: In the next place, I defire you to consider the Necessity of building more Ships, and how much all our Safeties are concern'd in it. And fince the additional Revenue of Excife will shortly expire, you that know me to be under a great Burden of Debts, and how hard a Shift I am making to pay them off as fast as I can, I hope will never de-'ny me the Continuance of this Revenue, and some reasonable Supply to make my Condition more easy. And that you may be fatisfy'd how impossible it is (whatsoever some Men think) to support the Government with less than the prefent Revenue, you may at any time fee the yearly establish'd Charge; by which it will appear, that the constant and unavoidable Charge being paid, there will remain no Overplus towards the discharging those Contingencies which may happen in all Kingdoms, and which have been a confiderable Charge to me this last Year. To conclude, I do recommend to you the Peace of the Kingdom, in the care-'ful Prevention of all Differences; the Safety of the Kingdom, in providing some greater Strength at Sea; and the Hh 2 · Prosperity

Anno 20 Car. II. Profperity of the Kingdom, in affifting the necessary Charge and Support of the Government. And if any of these good Ends shou'd happen to be disappointed, I call God and Man to witness this Day, that the Misfortune of that Difappointment shall not lie at my Door. The reft I refer to the Chancellor." Who delivered himself in ef. fect as follows :

The Lord Chan.

My Lords, &c. By the most gracious Pleasure of the cellor's Speech. King, you are here again affembled to hold another Seffion of this Parliament; wherein the King expects your Advice and your Affistance; your Advice in the Matters of the highest Deliberation, your Assistance in Matters of extreme and preffing Difficulty. Your Deliberations will chiefly be exercis'd about those Things which belong to your Peace, the Peace of the Church, and the Peace of the State; two Confiderations of fo close a Connexion between themselves. that in the very original Writ of Summons, by virtue of which you still fit here, they are jointly recommended to your Council and Care. The Peace of the Church is harder to preserve than the Peace of the State; for they, who desire Innovations in the State, most commonly begin the Attempt upon the Church. And by this means it comes to pass, that the Peace of the Church is so often disturb'd, not only by those poor mistaken Souls, who deserve to be pity'd, but by malicious and designing Men, who deserve to be punish'd: And while Things continue in this Estate, it cannot be avoided but that the Laws which are necessary to restrain the Malicious, must and will sometimes disquiet and wound those that are weak. What Remedies are fit for this Difease, whether the Fault be in the Laws, or the Men, in the Men that should obey, or in the Men that should execute; whether the Cure be a Work of Time and Patience, or of Zeal and Diligence; or whether any new Expedient can be found to secure the Ship from that Storm which the swelling of two contrary Tides feems to threaten, is wholly left to your Advice: The King hath call'd you for that End, and doubts not but your Councils will be fuch as shall tend to Safety and to Establishment.

'The Peace of the State requires as much of your Care and Vigilance too: Our Peace at Home, and our Peace Abroad. As for that Abroad, we are at this time, bleffed be God for his Mercy to us, and the King for his Care of us, in perfect Peace with all the Nations upon Earth: Such a Peace as makes us the Envy of the Christian World, and hath enabled us to do ourselves Right against the Infidels: Such a Peace as brings with it all the Fruits of Peace, and deserves not only our Prayers for the continuance of it, but our best and most watchful Care that nothing may be done on

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out Part to give it an Interruption. But then we must con- Anne a-Car. H. fider again, that our Peace abroad will not fubfift any longer than while we maintain our Peace at home: For without this. no Kingdom can be able to act in its full Strength; and without that, the Friendship and Enmity of any Nation ceases to be considerable to its Neighbours. Now 'tis a great and dangerous Mistake in those, who think the Peace at Home is well enough preferv'd, so long as the Sword is not drawn; whereas in truth nothing deserves the Name of Peace, but Unity: Such an Unity as flows from an unshaken Truft and Confidence between the King and his People, from a due Reverence and Obedience to the Laws, and to his Government, from a religious and awful Care, not to remove the ancient Land-marks, not to diffurb those Constitutions which Time and the public Convenience have fettled, from a Zeal to preserve the whole Frame and Order of the Government upon the old Foundations, and from a perfect Detestation and Abhorrency of all such as are given to change: Whatever falls short of this, falls short of Peace too. therefore there be any Endeavours to renew, nay if there be not all possible Endeavours to extinguish the Memory of all former Provocations and Offences, and the Occasions of the like for the future; if there be fuch Divisions as beget great Thoughts of Heart; shall we call this Peace, because it is not War, or because Men do not yet take the Field? As well we may call it Health, when there is a dangerous Fermentation in the Blood and Spirits, because the Patient hath not yet taken his Bed."

Then, laying open the Difficulties with relation to the Weakness of the Fleet and King's particular Debts, he proceeded thus: ' One Difficulty more there is, without which all the rest were none, and that is the strange Distidence and Distrust, which, like a general Infection, begins to spread itfelf through all the Corners of the Land. Much of this rifes from the Artifice of ill Men, who create and nourish all the Suspicions they can devise; but the Cure of it lies pertectly in your Hands, for all will presently vanish as soon as Men shall see your Acquiescence, and the Fruits of it in a chearful Concurrence with his Majesty to all these good and public Ends which he hath now fo earnestly recommended to you. It wou'd be somewhat strange, and without all Example in Story, that a Nation shou'd be twice ruin'd, twice undone, by the felf-same Ways and Means, the same Fears and Jealousies. Will any Man that but gives himself leave to think, refuse to enjoy and take comfort in the Blessings that are present, only for fear of future Changes and Alterations? Surely it is enough for any Kingdom, and more than most Kingdoms of the World can boast of, to have their Af-

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into adCar. II. fairs brought into fuch Condition, that they may, in all his man Probability, and unless by their own Default, continue a long time fafe and happy. Future Contingencies are not capable of any certain Prospect: A Security beyond that of human Probability, no Nation ever did or ever shall attain to. If a Kingdom be guarded by Nature against all Dangers from without, and then will rely too much upon what Nature hath done for them; If a Kingdom be warn'd and caution'd against all Dangers from within, by former Experiences, and then will either forget, or make no use of those Experiences; If a Kingdom be powerful in Shipping and Navigation, and then see their Neighbours endeavouring to overpower them that way, without being folicitous to augment and reinforce their own naval Strength; If a Kingdom be happy in the frequent Assemblies of their great Councils, where all that is grievous may be redress'd, and all that is wanting may be enacted, and then will render those Councils useless and impracticable, by continuing endless Distractions; who can wonder if their Affairs shou'd begin to be less prosperous, when otherwise, humanly speaking, and in all common Probability, their Condition wou'd have been out of the Reach of Fortune, and their Security in a

manner impregnable. ' My Lords and Gentlemen, If the presaging Malice of our Enemies shou'd portend any such Fate as this to befal us, the Wisdom and Magnanimity of this great Council will quickly be too hard for all their Auguries: The Honour and Loyalty of this august and venerable Assembly will leave no kind of room for fuch Divinations. You, that have the Happiness to live under so excellent a Monarchy, so admirable a Constitution and Temper of Government; You, that remember what the Want of this Government cost us, and the miserable Desolations which attended it, have all the Motives, and are under all possible Obligations to secure and advance the Interest of it. The King, on his part, meets you with so open and so full a Heart, and so absolutely resolyed to do his utmost to glad the Hearts of his People, that it must be the strangest Infelicity in the World, if either he or his Subjects shou'd meet with any Disappointments here. For the King hath no Desires but what are public, no Ends or Aims which terminate in himself; all his Endeavours are so entirely bent upon the Welfare of his whole Dominions, that he doth not think any Man a good Subject who doth not heartily love his Country: And therefore let no Man pass for a good Patriot, who doth not heartily love and serve his Prince. Private Men indeed are subject to be misled by private Interests, and may entertain some vain and slender Hopes of surviving the Public; but a

Prince is fure to fall with it, and therefore can never have Anno 29 Car. II. any Interests divided from it. To live and die with the King is the highest Profession a Subject can make, and sometimes 'tis a Profession only and no more; but in a King 'tis an abfolute Necessity, 'tis a Fate inevitable, that he must live and die with his People. Away then with all the vain Imaginations of those who infuse a Misbelief of the Government: Away with all those ill-meant Distinctions between the Court and the Country, between the natural and the politic Capacity; and let us all who go about to perfuade others that there are several Interests, have a care of that Precipice to which fuch Principles may lead them: For the first Men that ever began to distinguish of their Duty, never left off till they had quite diftinguish'd themselves out of their Allegiance. Let no Contention then come near this Place, but that of a noble Emulation who shall serve his Country best. by well ferving of the King; Let no Passion enter here, but that of a pious Zeal to lay hold upon all Opportunities of promoting the Honour and Service of the Crown, 'till our Enemies despair of ever profiting by any Disorders a-mongst us. And let all who pray for the long Life and Prosperity of the King, add their Endeavours to their Prayers, and study to prolong this sacred Life, by giving him all the Joys of Heart which can arise from the Demonstrations of the lively and the warm Affections of his People.

As foon as the House proceeded to Business, a Motion was 584,000 & made for a Supply, which, after some little Debate, was voted. granted; that is to say, 584,000 l. was voted for the building and furnishing Thirty Men of War, and without appropriating any Part of the Customs. And whereas the additional Excise upon Beer and Ale, which had been grant. The additional additional Excise upon Beer and Ale, was now of course to expire Excise upon the Triple Alliance, was now of course to expire Beer and Ale on the 24th of June this Year, a Bill for continuing of it granted for three Years longer likewife pass'd without any difficulty three Years Yet they refus'd three Bills fent down from the Lords, one longer. entitled, An Act for securing the Protestant Religion, by educa- ThreeBills from ting the Children of the Royal Family, and providing for the the Lords re-Another, For the more jected. Maintenance of the Protestant Clergy. effectual Conviction and Profecution of Popish Recusants. A third, For the Regulation of the Press, with a Clause to break open a House on Suspicion of any Pamphlets. The two first they rejected, as not answering the Ends of their Titles; and the last was too severe, at a Time when they thought the People under some Necessity of declaring their Minds, especially against the growing Power of France. This last seem'd their great Concern; and the general Disposition of the House was either for declaring War, or making stricter

Alliances

1677.

An Address to Growth of the Power of France.

Anno agean II Alliances for preventing the Progress of the French Conquests in Flanders, and on the Rhine, which now began to appear more formidable than ever. Accordingly they made this following Address to the King: ' We your Majesty's the King on the most loyal Subjects, &c. do most humbly offer to your Majefty's Confideration, that the Minds of your People are much disquieted with the manifest Dangers arising to your Majesty by the Growth and Power of the French King: especially by the Acquisitions already made, and the farther Progress like to be made by him, in the Spanish Netherlands, in the Preservation and Security whereof, we humbly conceive the Interest of your Majesty, and the Safety of your People are highly concern'd; and therefore we humbly befeech your Majesty to take the same into your Royal Care. and to strengthen yourself with such stricter Alliances, as may secure your Majesty's Kingdoms, and secure and preserve the faid Spanish Netherlands, and thereby quiet the Minds of your Majesty's People.' To which the King shortly after gave this following Answer; 'That his Majesty was of the Opinion of his two Houses of Parliament; that the Preservation of Flanders was of great Confequence; and that he wou'd use all Means in his power for the Safety of his

The King's Answer.

A fecond Addrefs concerning Alliances.

'Kingdom.' Shortly after, on the 26th of March, they drew up a fecond Address, as follows: 'We your Majesty's most loyal Subjects, &c. do with unspeakable Joy, and Comfort, pre-fent our humble Thanks to your Majesty, for your Majesty's gracious Acceptance of our late Address, and that your Majesty was pleas'd in your Princely Wisdom to express your Concurrence and Opinion with your two Houses in reference to the Preservation of the Spanish Netherlands. And we do with most earnest and repeated Desires implore your Majesty, that you would be pleas'd to take timely Care to prevent those Dangers that may arise to these Kingdoms by the great Power of the French King, and the Progress he daily makes in those Netherlands and other Places. And therefore that your Majesty wou'd not defer the entering into such Alliances as may obtain those Ends; and in Case it shall happen that, in pursuance of such Alliances, your Majesty shou'd be engag'd in a War with the French King, we do hold our selves oblig'd, and do with all Humility and Chearfulness affure your Majesty, that we your most loyal Subjects shall always be ready, upon Signification thereof in Parliament, ful-Time to Time, to affift your Majesty with ly, and from fuch Aids and Supplies, as, by the divine Affiftance, may enable your Majesty to prosecute the same with success. All which we do most humbly offer to your Majesty as the unanimous Sense and Defire of the whole Kingdom.'

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Upon a folemn Debate in the House, those against the Ad- Anno 20 Car. 1 dress argu'd and alledg'd *, 'That to press the King to make farther Alliances with the Confederates against the French King, was in effect to press him to a War, that being the Arguments direct and unavoidable Consequence thereof: That the Conagainst the Adfideration of War was most proper for the King, who had drefs. full Intelligence of Foreign Affairs, and knew the Arcana Imperii. That it was a dangerous thing, hastily, to incite the King to'a War; fince our Merchant-Ships and Effects would immediately be feiz'd by the French King, who would thereby probably acquire the Value of near a Million to enable him to maintain the War against us: That he would fall upon our Plantations, and take, plunder, and annoy them; That he would fend out abundance of Privateers, and take, and diffurb our Trading Ships in these Seas, and in the Mediterranean. It was further alledg'd, 'That, at prefent, we had not so many Ships of War as he, and those Thirty which were to be built with the fix hundred thousand Pounds now given, could not be finish'd in two Years: 'That we had not Naval Stores and Ammunition, &c. sufficient for such a purpose; and if we had, yet the Season of the Year was too far advanc'd to fet out a confiderable Fleet, and we could not now lay in Beef, Pork, & That when we were engaged in a War, the Dutch would probably leave us in it, and fo gain to themselves the singular Advantage of sole Trading in Peace, a Privilege we now enjoy, and should not be weary That it was next to imposible, to make Alliances with the several Parties as might be expected, such and so various were the Interests and Cross-Biasses, of and amongst the Emperor, the Spaniard, the Dane, the Dutch, the Brandenburger, and the several lesser Princes of Germany, and o-That we may eafily enter into a War, but it would be hard to find the way out of it, and a long War would be destructive to us; for the Emperor, the French, Spaniard, &c. use to maintain War for many Years; yet a trading Nation, fuch as England, could not endure a tedious War.

In answer to these Allegations, on the other side it was in- Those for it. filled on, 'That they did not address for making War, but making Leagues, which might be a means to prevent a War That the best way to preserve Peace, was to be in a prepa ration for War: That admitting a War should ensue thereupon, as was not unlikely, yet in conclusion that would tend to our Peace and Safety; for it could not be deny'd, That, if the Power of France were not reduc'd, and brought to a more equal Balance, we must, first or last, fight or submir. That it was commonly the Fate of those who kept themselves

^{*} We have this, and the following Debates, on the Authority of the selebrated Mr. Andrew Marwell, then Member for Kingfton upon Hull.

Inno 20 Car. II. neutral, when their Neighbours were at War, to become 2 Prey to the Conqueror. That now or never was the Seafon to make war with France, while we may have fuch Auxiliaries; and if it were a formidable thing to engage him now, how much more when this opportunity was loft, the Confederacy diffolv'd, and we left to withfland him alone? That as to his feizing our Merchants Effects, the Case is the same now as it would be three Years hence, or whenever the War shall commence: And as to our Plantations and Traders, we must look upon the French as powerful, but not omnipo. tent; and we may as well defend them as the Dutch do theirs by Convoys, &c. and chiefly when the French shall have so many Enemies, and we so many Friends, as no other time is like to afford. They were forry, indeed, to hear we wanted Ships, Stores, &c. but hoped it would appear to be otherwise. That the Season was not so far spent, but that a competent Fleet might be fet out this Summer; and that however defective we might be in this kind, the Dutch were ready to make an effectual Supplement in that behalf That, however ill and false some Men might esteem the Dutch, yet Interest will not lie; and it is so much their Interest to confine and reduce the French, that it is not to be imagin'd, but that they will fleadily adhere to every Friend, and every Alliance they shall join with for that purpose. That however various the feveral Confederates and their Interests were, yet a common Alliance might be made with them against the French, and the present Alliance may be extended to England. That a numerous and vigorous Conjunction against the French King is the way to shorten the Work; whereas, if he should hereafter attack us fingly, he would continue the War on as long as he pleas'd, till he made an end of it and us together by out final Destruction.' In conclusion they urg'd, 'That the present was the best time for the purpose, and that it would give Reputation to the Confederates, and immediate Comfort and Courage to our best Friends, and Safety to our selves in futurity against the old perpetual Enemy of England'

The Arguments on this fide prevail'd; and the fecond Address was presented to his Majesty on the 30th of March, but they receiv'd no Answer till 12 Days after. In the mean time they vigorously proceeded in the finishing of several good Bills, as one for taking away the Writ de Hæretico Comburendo, a Law that made many People very uneasy, especially now when the Fears of Pepery were increasing. Another against the Profanation of the Lord's-Day: A third for the Augmentation of small Vicarages. Another remarkable one against Fraud and Perjuries, with some others. While they were thus builly employ'd, on the 11th of April, they

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receiv'd this Message from the King: 'His Majesty, having Anno 29 Car. II; consider'd your last Address, and finding some late Alterations in Affairs abroad, thinks it necessary to put you in The King's mind that the only way to prevent the Dangers which may Message to arise in these Kingdoms, must be by putting his Majesty time-them. Iy in a condition to make fuch fitting Preparations as may enable him to do what may be most for the Security of them. And if, for this Reason, you shall defire to sit any longer time, his Majesty is content you may adjourn now before Easter [this Year the 15th of April,] and meet again suddenly after, to ripen this matter, and to perfect some of the most necessary Bills now depending."

Upon this Message it was mov'd, that the House should adjourn till after Easter, with a Resolution to enable the King to make fuch Preparations as should be thought necesfary, and also pass some necessary Bills for the Kingdom; Which if they did not, the blame of the Neglect must rest Debates upon it. upon themselves, and it would be observ'd, they had not sate to any Effect this four Years; and that now they had a Selion, and given a Million, they took little care to redrefs Grievances, or pass good Laws for the People; and that they should not be able to give any Account of themselves to their Neighbours in the Country, unless they should face them down, that there was no Grievance or Mischief in the Nation to be redress'd, and that the King had stopp'd their Mouths by offering them to fit longer.' Others faid, They should perfect two Money-Bills, and give the King Eafe, and take another Time to consider further of Religion, Liberty and Property, especially seeing all Bills now depending would be kept on foot; the intended Recess being delign'd only for an Adjournment: That they had very good Laws already, and would give their Shares in any new ones they were making, to be in the Country at the present Time; that it was necessary for them to be there the 10th of May, to execute the Money Bill, and some time was to be allow'd for their Journeys, and Rest after it; that the palling some necessary Bills, came in the End of the King's Message, and by the by; for his Majesty saith, 'That if for this Reason, that is, for making of Preparations, &c. they should defire to fit longer; and if so, then also take Opportunity of passing such Bills. So the Sense and Inclinotion of the House was to rise before Easter, as had been before intimated and expected. Then they fell upon the main Confideration of the Message, and to make a present

The Secretary, and other Ministers of State said, That The Sense of the Alteration of Affairs which his Majesty took notice of, the Ministers.

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1677.

Anno 29 Car. II. was the Success of the French against the Prince of Orange in the late Battle, and their Proceedings to take Cambray, and St. Omers. Thus, by Inches, or rather great Measures, they were taking in Flanders, which was reckon'd the Out-work of England as well as Holland. And they faid plainly, that nothing could put his Majesty in a Condition to make fitting Preparations to preferve the Kingdom, but ready Money.

he Senfe of the Patriots.

To this it was answer'd, That it was not proper nor usual to ask Money at the End of a Seffion, and it was fit that Alliances should first be made, and that they should adjourn rather till that were done: For they ought not to give Money till they knew for what; and, it was clearly spoken and made out by them, that, if there was no Summer's War, there was Money enough given already.

The Ministers Keply.

It was reply'd, That they had not Direction from his Majesty, as to what he had resolved; and it might be inconvenient to discover and publish such Things: But they would offer their Guess and Aim at such Things. If there were any Approaches towards a War, tho' they ought to consider like him in the Gospel, Whether with such a Force they could encounter a King that came against them with such a Force, they should think of providing a Guard for the Isle of Wight, Jersey, Guernsey, and Ireland, and secure our Coasts, and lie in a defensive Posture. We might be attack'd in the Night. Also, there would be a Necessity of an extraordinary Summer-Guard at Sea: His Majetty did use to apply 200,000 l. yearly our of the Customs, upon his Fleets. (The very Harbour-Expence in Anchorage, Mooring, Docks and Repairs, amounting to 110,000 l. per Annum.) And he was now fetting forth forty Ships for the Summer-Guard: But, if there was a Disposition towards War, there must be more Ships, or at least, those must be more fully mann'd, and more strongly appointed, and furnish'd'the more: especially if the Breach was fudden; for, otherwise, our trading Ships at Sea, as well as those Ships Goods in the French Ports would be expos'd. Now it is reasonable that the Remainder, which was above and beyond the King's ordinary Allowance, should be supply'd by the Parliament, and the extraordinary Preparations of this kind for the present, could not amount to less than 200,000 l.

. . fwered by the Patriots.

It was answer'd, That it was a melancholy thing to think, that Jersey, &c. were not well enough secur'd; at least as well as in the Year 1665; when we alone had War with the French and Dutch too; and yet the King's Revenue was less than now. That the Revenue of Ireland was † 500,0001 per Annum beyond the Establishments, (that is, the Civil, Miirary, and all Payments of the Government.) Which, if ge

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net sent over hither, but dispos'd there, would serve to de- Anno 29 Car. II. fend that Kingdom. And they remember that, about a Month ago, they were told by some of these Gentlemen, that the French King would not take more Towns in Flanders, if he could have them, but was drawing off to meet the Germans; who would be in the Field in May; and, therefore, it was strange he should be represented now, as ready to invade us, and that we must have an Army rais'd and kept on our Islands and Land. But a Fleet would protect all. Ships are the Defence of an Island, and thereby we may hope to keep him at a Distance, and not apprehend, or prepare to meet him at our Doors. He learns by Sicily, what it is to invade an Island. He is not like to attempt an Invalion of us, till he hath some Mastery at Sea, which is impossible for him to have, so long as he is diverted and employ'd at Land, in the Mediterranean, and in the West-Indies, as he is. And as to our Merchant-Ships and Goods, they are in no more Danger now, than they were in any War whatever. Nay, there was more Expectation of this, than there was of the last War; for the first Notice we, or the Dutch had of that Breach, was their Attempt on their Smyrna Fleet. Also it is observ'd, that what was said a Fortnight ago (tho' the Season was too far advanced to lay in Beef, and it would stink) was admitted to be a Mistake, for that now it was urg'd, that a greater and better appointed Fleet must be furnish'd out. It was still insisted on, likewise, that we were in the Dark; his Majesty did not speak out, that he would make the defir'd Alliances against the Growth of France; and refolve with his Parliament to maintain them. That, so long as there was any Coldness or Reservedness of this kind, they had no clear Grounds to grant Money for Preparations. His Majesty was a Prince of that Goodness and Love towards his People, that none did diffrust him, but there was a Distrust of some of his Ministers, and a Jealoufy that they were under French Influences; and Complaints and Addresses had been made against them. upon the Discourse of providing for the Safety of the Nation, it being said, we might be secur'd by the Guaranty of the general Peace, it was reflected on as a thing most pernicious to us: and that our Money and Endeavours could not be worse apply'd than to procure that Peace. All that they desir'd was, that his Majesty, and his People unanimously, truly, fincerely and thoroughly declare and engage in this Business, with a mutual Confidence, speaking as on both sides; and this, and nothing but this, would discharge and extinguish all Jealousies.

But it was objected, That it was not convenient to dif. Objections of cover his Majesty's secret Purposes in a public Assembly: It the Ministers.

Answer'd.

Anno 29 Car. II. might be too foon known abroad; and there was no reason to diffrust his Majesty; but that, being enabled, he would prepare and do all Things expedient for the Kingdom.

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It was answer'd that it was usual for foreign Ministers to get Notice of the Councils of Princes, as the Earl of Briffol Embassador in Spain, in the last part of King James's Reign, procured Copies and often the Sight of the original Disparches, and Cabinet-Papers of the King of Spain. But. acknowledging that his Majesty's Councils are impenetrable, yet the Things' would in a fhort time discover themselves. Beside, they said, they did not much desire Secrecy. For let the King take a great Resolution and put himself at the Head of his Parliament and People in this weighty and worthy-Cause of England, and let a flying Post carry the News

to Paris, and let the French King do his worst.

His Majesty never had, nor will have cause to distrust his People. In 1667, in Confidence of our Aid, he made a League without Advice of Parliament (commonly call'd the Triple League) which was for the Interest of England, and whereby his Majesty became the Arbiter of Christendom; and in the Name, and upon the Account of that, the Parliament gave him several Supplies. In 1672, he made War without Advice of Parliament, which War the Parliament thought not for the Interest of England to continue; yet therein they would not leave him, but gave him 1,200,000 l. to carry himself in and out of it. How much more then are they concern'd and oblig'd to supply and affift him in these Alliances and War, (if it enfue) which are fo much for the Interest of England, and enter'd into by the pressing Advice of Parliament? We hope his Majesty will declare himself in Earnest, and we are in Earnest, having his Majesty's Heart with us. Let his Hand rot off, that is not stretched out for this Affair! We will not flick at this or that Sum, or Thing, but we will go with his Majesty to all Extremities. We are not afraid of the French King because he has great Force, and extraordinary thinking Men about him, who manage his Affairs to a wonder: But, we trust his Majesty will have his Business manag'd by thinking Men, that will be provident and careful of his Interest, and not suffer him to pay Cent. per Cent. more than Things are worth, that are taken up and used: And, if the Work be enter'd upon in this Manner, we hope England will have English Success with France: As it is in bowling, if your Bowl be well fet out (or directed) you may wink and it will go to the Mark. Were the Things clear and thoroughly undertaken, there would be lefs reafon to dispute of Time; there never was a Council but would fit on Sunday, or any Day for fuch a Work. In fine, they faid, the Bufiness must lie at one Door, and they would not, for any thing, it should flat in their Hands. And al- Anno 29 Car. II. tho' they should hope his Majesty, in an Exigence, would lend to his People, who had given fo much to him; yet they faid, they could not leave him without providing him a Sum of Money, as much as he could use between this and some convenient Time after Easter, when he might, if he pleas'd, command their full Attendance by some public

The Sum mention'd was 200,000 l. and the Expedient to 200,000 l. ofraise it a borrowing Clause to be added to the Bill for le-fer'd as an imvying almost 600,000 l; the Effect of which was to enable his Majesty presently to take up the said Sum of 200,000 l. on

the Credit of this Bill at 7 per Cent. Inte rest.

Some Discourse ensu'd of letting loose part of the 600,000 l. just mentioned; but then it was reflected that this Sum was appropriated for the building of Ships, and that they would not have this Appropriation unhing'd by any Means, and therefore refolv'd to annex the borrowing Clause to the Bill for continuing the additional Duty of Excise for three Years, which was not y t pass'd: Against which it was objected, that it was given for other Purposes, viz. To ease the King, to pay Interest for his Debts, &c. On the contrary, it was answer'd, that the Preamble speaks not of his Debts, but his extraordinary Occasions. But that besides, they did not intend to withdraw so much of that Gift, but did resolve to re-imburse his Majesty towards the 200,000 l. so much of it as he should lay out in extraordinary Preparations.

It was again objected, That this would be a kind of denouncing of War; and that 200,000 l. was a miserable, mean, and incompetent Sum to defend us against those whom

we should provoke.

To which was reply'd, That it was but an Earnest of what they intended, and that they were willing to meet again, and give farther Supplies. Beside, the French King was not formidable for any great Hurt he could do us during the Confederacy. That there were several Princes of Germany at war with him, who, tho' much more weak and inconfiderable than we, were fafe; being defended not by their own Strength, but the whole Confederacy.

The Debate concluded in voting the following Answer, which was presented to the King by the Speaker and the whole House on the 13th of April: 'We your Majesty's An Answer to most loyal Subjects, Scc. do, with great Satisfaction of Mind, the King's Message. observe the Regard your Majesty is pleas'd to express to our former Addresses, by intimating to us the late Alteration of Affairs abroad, and do return our most humble Thanks for your Majesty's most gracious Offer made to us thereupon in your late Message: And, having taken a serious Deliberation

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Anno 20 Car. II. of the same, and of the Preparations your Majesty hath therein intimated to us were fitting to be made, in order to those public Ends, we have at present provided a Security in a Bill for the additional Duty of Excise, upon which your Majesty may raise the Sum of two hundred thousand Pounds. And if your Majesty shall think fit to call us together again for this Purpose in some short time after Easter. by any public Signification of your Pleasure, commanding our Attendance; we shall, at our next meeting, not only be ready to reimburse your Majesty what Sums of Money shall be expended on fuch extraordinary Preparations as shall be in pursuance of our former Addresses; but shall likewise with thankful Hearts proceed then, and at all other times, to furnish your Majesty with so large a Proportion of Ass. stance and Supplies upon this Occasion, as may give your Majesty and the whole World, an ample Testimony of our Loyalty and Affection to your Majesty's Service; and as may enable your Majesty, by the help of Almighty God, to maintain such stricter Alliances as you shall have enter'd into, against all Opposition whatsoever.' Hereupon his Majesty, within two Days, sent this second Message to the House: ' His Majesty, having consider'd the Answer of this 'House to the last Message about enabling him to make sit-ting Preparations for the Security of these Kingdoms, finds,

Another Meffage from the King.

by it, that they have only enabled him to borrow two hundred thousand Pounds, upon a Fund given him for other Uses; ' his Majesty desires therefore this House shou'd know, and he hopes they will always believe of him, that not only that ' Fund, but any other within his Power shall be engag'd to the utmost for the Preservation of his Kingdom: But as his Majesty's Condition is, (which he doubts not but is as well known to this House as himself) he must tell them plainly, 'That without the Sum of fix hundred thousand Pounds, or ' Credit for fuch a Sum, upon new Funds, it will not be ' possible for him to speak or act those Things which shou'd 'answer the Ends of their several Addresses, without expos-' ing the Kingdom to much greater Danger. His Majesty doth further acquaint you, that having done his Part, and ' laid the true State of Things before you, he will not be. wanting to use the best Means for the Safety of his People, which at present he is capable of.

Another Address from the Commons.

The House fell into an immediate Consideration of an Anfwer, and, after a short Debate, they drew up the following Address: 'We your Majesty's most loyal Subjects, &c. having confider'd your Majesty's last Message, and the gracious Expressions therein contain'd, for employing your Majesty's whole Revenue at any time, to raise Money for the Preservation of your Majesty's Kingdoms, do find great Caufe

Cause to return our most humble Thanks to your Majesty for Anno 29 Car. II. the same, and to defire your Majesty to rest assur'd, that you shall find as much Duty and Affection in us, as can be expected from a most loyal People, to their most gracious Sovereign: And whereas your Majesty is pleas'd to signify to us, that the Sum of two hundred thousand Pounds is not sufficient without a further Supply, to enable your Majesty to speak or act those Things desir'd by your People, we humbly take leave to acquaint your Majesty, that many of our Members being (upon an Expectation of an Adjournment before Easter) gone into their several Countries, we cannot think it parliamentary, in their Absence, to take upon us the granting of Money; but do therefore desire your Majesty to be pleas'd that this House may adjourn itself for fuch a fhort time, before the faid two hundred thousand Pounds be expended, as your Majesty shall think fit, and by your royal Proclamation to command the Attendance of all our Members at the Day of Meeting. By which Time we hope your Majesty may have so form'd your Assairs, and fix'd your Alliances, in pursuance of our former Addresses, that your Majesty may be graciously pleas'd to impart them to us in Parliament; and we no ways doubt, but, at our next affembling, your Majesty will not only meet with a Compliance in the Supply your Majesty desires; but withal, such farther Affistance as the Posture of your Majesty's Affairs shou'd require. In confidence whereof, we hope your Majesty will be encourag'd in the mean time to speak and act fuch things as you shall judge necessary for attaining those great Ends, as we have formerly represented to your Ma-

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The King had no fooner receiv'd this Address, but, finding the Money Bills ready, the same Evening, April the 16th, he came suddenly to the House of Peers, and, being seated on his Throne with the usual Solemnity, he sent for the House of Commons, and gave his Royal Affent to the feveral Bills presented to him, viz. 1. An Act for raising the Sum of five The King hundred eighty four thousand Pounds, &cc. for the speedy building passes several thirty Ships of War. 2. An Act for an additional Excise upon Beer, Ale, and other Liquors for three Years. 3. An Act for the better Observation of the Lord's Day. 4. An Act for Prevention of Frauds and Perjuries. 5. An Act for taking Affidavits in the Country, to be used in the Courts of Westminster-Hall. 6. An Act for confirming and perpetuating Augmentations made by Ecclefiastical Persons, on small Vicarages and Curacies. 7. An Act for taking away the Writ De Hæretico Comburendo. 8. An Act for Naturalization of Children of his Majesty's English Subjects born in foreign Countries during the late Troubles. 9. An Act for erecting a Judicature to determine TOME I. Diffe-

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The Parliament adjourn'd.

The Continuation of the Six-Parliament.

Debates on the Necessity of Alliances.

Mr. Secretary Williamson, &c.

Anno 29 Car. II. Differences touching Houses burnt by the late dreadful Fire in Southwark. 10. An Act for the better repairing and maintaining the Peer of Great Yarmouth. After the passing these Acts, the Lord Chancellor, by his Majesty's Command, acquainted the two Houses, that they had leave to adjourn themselves till the 21st of May next.

On the 21st of May, the Parliament met according to Adjournment, after a Recess of near five Weeks. On which teenth Seffion of Occasion a verbal Message from his Majesty to the House of Commons, was deliver'd by Mr. Secretary Coventry, by which His Majesty acquainted the House, that having, according

to their Defire in their Answer to his late Message. April, 16. directed their Adjournment to this Time : because they did alledge it to be unparliamentary to grant Sup-

oplies when the House was so thin, in expectation of a speedy Adjournment; and having also iffu'd out his Proclamation of Summons, to the end there might be a full House, he

did now expect they would forthwith enter upon the Confideration of his last Message, and the rather, because he intended there should be a Recess very quickly.' Upon this it was mov'd, that the King's last Message of April 16, and

the Answer to it should be read: Which being done, af-

ter a long Silence, a Debate began about their Expectation, and the Necessity of Alliances; and particularly it was intimated, 'That an Alliance with Holland was most expedient, for that we shou'd deceive our selves if we thought we cou'd be defended otherwise; we alone cou'd not withstand the French, his Purse and Power was too great; nor could the Dutch withstand him, but both together might. The general Argument was, 'That they came with an Expectation to have Alliances declared, and, if they were not made fo as to be imparted, they were not

wou'd be content to adjourn for the mean time.' The Secretary and others faid, ' These Alliances were Things of great Weight and Difficulty, and the Time had been short; but if they were finish'd, yet it was not convenient to publish them, 'till the King was in a Readiness and Posture to

call'd or come to that Purpose they defired, and hoped to meet upon; and if some few Days might ripen them, they

profecute and maintain them; 'till when his Majesty cou'd not so much as speak out, i. e. without first receiving six hundred thousand Pounds, according to the Words of his Mes-

By others it was observed and said, 'That they met now upon a public Notice by Proclamation, which Proclamation was in pursuance of their last Address, in which Address they defire the King, they may adjourn for fuch Time, as

within which, they hoped, Alliances might be fix'd, fo as to be imparted. They mentioned not any particular Day;

if his Majesty had not thought this time long enough for Anno 29 Car. II. the Purpose, he might have appointed the Adjournment for a longer Time; or he might have given Notice by Proclamation, that, upon this Account, they should re-adjourn to a vet longer Time. In this State of Uncertainty, the The House ad-House adjourn'd for two Days, having first ordered the journs for two Committee for the Bill for recalling his Majesty's Subjects Days. out of the Service of the French King, to fit in the Afternoon, when they went through the Bill.

The Commons being met at the Time appointed, his Majesty sent a Message for the House to attend him immediately at the Banqueting-House in White-hall, where he

made the following Speech to them:

Gentlemen:

Have fent for you hither, that I might prevent those The King's Mistakes and Distrusts which I find some are ready Speech to them.

to make, as if I had called you together only to get Money from you, for other Uses than you would have it employ'd. I do affure you, on the Word of a King, that you shall not repent any Trust you repose in Me, for the Safety of my Kingdoms; and I defire you to believe I would not break my Credit with you; but as I have already told you, That it will not be possible for me to speak or act those Things which should answer the Ends of your several Addresses, without exposing my Kingdoms to so much greater Dangers, fo I declare to you again, I will neither hazard my own Safety, nor yours, until I be in a better Condition than I am able to put myself, both to defend my Subjects, and offend my Enemies. I do further affure you, I have one lost one Day, fince your last Meeting, in doing all I. could for your Defence; and I tell you plainly, it shall be your Fault and not mine, if your Security be not sufficiently provided for.

The Commons returning to their House, resolv'd to con- Debates upon it. fider of the Speech in a full and regular Debate: In which the Secretary and others propounded the fix hundred thou fand Pounds Supply, but faid, 'They did not press the House, but they might do as they pleas'd: But if they expected Alliances to be made, and made known, that Sum must be first granted: The King had the same Power of making War and Leagues, as this House had in giving Money; He could not have Money without them, nor they Alliances without him. He had consider'd the Matter, and found that he ought by fuch a Sum to be enabled to maintain and profecute his Alliances, before they could or should be declar'd; and truly otherwise our Nakedness and Weakness Kk2

Mr. Secretary, Williamson.

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Anno 29 Car. II. would be expos'd. 'Tis true, as has been objected, The ask ing and giving of Money for this Purpose, would alarm, as declaring the Alliance, but then it would defend too. A Whip will alarm a wild Beast, but will not defend the Man; a Sword will alarm the Beaft, but will also defend the Man. We know the King would strip himself to his Shirt, rather than hazard the Nation. He has done much already; he has fet out, and made ready to fet out 44 Ships: But they must be distributed to several Places for Convoys, &c. There would need, it may be, 40 more in a Body. And it is difficult to get Seamen; many are gone into the Service of the French, Dutch, &c. The King is fain to press now.

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The King has not had any Fruit of the 200,000 l. Credit provided him upon the three Year's Leafe; he has try'd the City to borrow Money of them thereupon, and my Lord-Mayor return'd Answer, That he had endeavour'd, but could not encourage his Majesty to depend upon the City for it.

Answered by other Members.

Several others spoke to this Effect: 'We should consider in this Case, as in the Case of the King's Letters-Patent, Proclamations, &c. If any Thing in them be against Law and Reason, Lawyers and Courtiers judge it void, and reckon it not to be done, or faid by the King. For the King can do no Wrong, tho' his Council may. So we must look upon the King's Speeches, and Messages, as the Product of Council; and, therefore, if any Mistake be therein, it must be imputed to the Error of his Council, and it must be taken that the King never faid it. Now to apply, certainly the treating and concluding of Alliances, requires not a previous Sum of Money, however the King's Council may misinform. They may be propounded and accepted by the means of the foreign Ministers, even without an Embassy to be sent from hence: And yet, if that were necessary, it were no extraordinary Charge. Alliances may be made forthwith, and then, Money would be granted forthwith. If they were declar'd to-day, the 600,000 l. should be granted to-morrow, and as Occasion should require: And there is no fear, but Money would be found for this purpose. Our own Extravagancies would maintain a War. The Money which has been provided the King already this Session, is sufficient for all the Preparations that can be possibly made, before these Alliances can be made. Forty Ships of ours, with the Help of the Dutch, are a good Defence against the French at Sea, now he is so entangled with Sicily, the West-Indies, &c. In the Triple League it was stipulated that 40 of our Ships, and 40 of the Dutch should be provided, and they were thought fufficient for the Purpose. If it were required that 40 more should be sent out, 600,000 l. is enough to maintain and pay

a whole Year clear for the Carpenters Work, and fuch fike; Anno 29 Car.II. and as to what should be presently requir'd for the fitting them to go out, a little Money would ferve. And furely, this is the only Preparation that can be meant: For if it should be meant, that we should fortify the Land with Forts, Garrisons, Walled-Towns, &c. it is not fix Millions will do it: But our Strength, Force, and Defence is onr Ships. For the Debate of this Day, it is as great, and weighty as ever was any in England; it concerns our very Being, and includes our Religion, Liberty, and Property: The Door towards France must be shut and guarded; so long as it is open, our Treafure and our Trade will creep out, and their Religion will creep in. And this Time is our Season. Some Mischief will be done us; and so there will at any time when the War is begun; but now the least: The French are not very dangerous to us, nor much to be fear'd by us at this present, But we ought to advise and act so now, as we may not fear or despair hereafter, when the French shall make Peace beyond Sea; and, likely, will make Alliances with those People with whom we defer to make them. How ripe and great will be our Misery then? The Power and Policy of the French are extraordinary: And their Money influences round about them.

We are glad to observe, by what is said by, and of the King, that his Majesty agrees with us in the End, and we hope he will be convinced of the Reasonableness of the Means, which is, to make and follow these Alliances; without which, plainly, we can give no Account to ourselves,

or those we represent, of giving Money.

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We have made several Addresses about the King's Ministers, their Management, &c. of which we have seen little There have continually, almost to this Hour, gone out of England, Succours to France, of Men, Powder, Ammunition, Ordnance, &c. Not to rake into the matter, how tar the Ministers have been active or passive in this; not to mention any other Particulars, we must say, that, unless the Ministers, or their Minds are alter'd, we have no Keason to trust Money in their Hands, tho' we declare we have no Purpose to arraign, or attempt upon them, but would rather propose them an easy Way how they might have Oblivion; nay, and the Thanks of the People, viz. That they should endeavour and contend, who could do most to dispose the King to comply with this Advice of his Parliament. We think the profecuting these Alliances, the only good Use for which our Money can be employ'd; and, therefore, before we give, we should be secure it shall be apply'd to this Purpose, and not by Mis-Councils, be diverted to others. This is the mature Council of Parliament: And no cross,

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Anne agCar. II. or other Council is to be trusted, for attaining these great 1677. Purposes, which the King and Parliament are agreed upon

To part with Money, before Alliances are made, is need. less and to no purpose; at least, it would be the Way to spend that Money before issu'd, in vain: which we shall need hereafter, when we shall be forc'd to enter into this Defence against France. It would be like an Error committed in the late King's Time, and which looks as if Men had given Counsel on purpose to destroy that good King. He had, by the Care and Faithfulness of Bishop Juxon and others, collected and preserv'd a good Sum of Money be. fore the Scotish Rebellion in 1639; upon that Rebellion he was advis'd to raise an Army at Land, which, indeed, was necessary: But he was, likewise, advis'd to set out several of his Great-Rate Ships. This appear'd in the Papers of Sir his Great-Rate Ships. Robert Long's Office, and may there be feen still, if the Papers are not scatter'd. A Man cannot tell for what End this Advice was given, unless to spend the King's Money: For the Admiralty of Scotland is not now, and much less then, was so considerable as to require any such Force against it. And if the Defign was to hinder their Commerce and Succours by Sea, the Charge of one of those great Ships, might have been divided, and apply'd to the fetting out five or fix less Ships, each of which was capable of doing as much for that Service, as fuch a great one, and could keep out at Sea longer.

It is a plain Case, unless the Power of France be lower'd, we cannot be safe: Without Conjunction with Confederates, this cannot be done. The Question is then, Whether this be a proper Time for the Work. Certainly it is. There is already a happy Confederation against the French, which we cannot so well hope to have continued, without our coming into it: Much less can we hope to recover, or recruit, if once broken. The very Season of the Year savours the Business. It is proper and safe to begin with the French in the Summer; now they are engag'd, and not at leisure: Whereas in Winter, when the Armies are drawn out of

the Field, he will be able to apply himself to us.

As to the Citizens not advancing Money upon the late Credit, we are inform'd they were never regularly or effectually ask'd. My Lord-Mayor, indeed, was spoken to, and, perhaps, some of the Aldermen; but, all they, are not the City. He sent about curiously to some of the Citizens, to know if they would lend; of which they took little or no Notice, it not being agreeable to their Way and Usage. For the Custom, in such Cases, has always been, that some Lord of the Council did go down to the Common-Council, which is the Representative-Body of the City, and there

propound the Matter. Beside, in this particular Case, the Anno ag Car. II. Citizens generally ask'd the fame Question we do, Are the Alliances made? And faid, if they were made, they would

lend Money; but if not, they faw no Cause for it.

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Philip the Second of Spain made an Observation in his Will, or some last Memorial, and 'tis since publish'd in Print, by Monsieur ... He observes the Vanity of any Prince's afpiring to Univerfal Monarchy: for that it naturally made the reft of the World jointly his Enemies. But Ambition blinds Men, fuffers them not to look back on fuch Experiences. But, this Observation shews what is natural to do in such a Cafe. And that the Way to repel and break fuch a Defign. is by their universal Confederation. Philip the Second was most capable of making this Observation: For, in his hands, perish'd the Spanish Design of the Universal Monarchy; and that chiefly, by reason of the Conjunction of the English and Dutch against him. In the Process of this Debate. Gentlemen did more particularly explain themselves, and propound to address their Design to the King, for a League Offenfive and Defenfive with the Dutch, against the French Power. To which a specious Objection was made; That the Dutch were already treating with the French, and 'twas like they would slip Collar, make a separate Peace for themsfelves, and leave us engag'd in a War with France. To which was answer'd, That the Dutch were interested in repressing the Power of France, as well as we, and that they knew their Interest. It was reasonable for them to say, if England, which is as much concern'd in this Danger, will not affift us, we will make the best Terms we can for ourselves: There is yet a Seam of Land between the French and us; we may trade by, or under them, &c. But if England will join the Dutch, they cannot find one Syllable of Reason to desert the Common Cause. They have observ'd a Propenfity in the People of England to help them, but not in the Court of England. If they can find that the Court does heartily join, it will, above all things, oblige and confirm them. In 1667, when the Dutch were in Peace and Plenty, when Flanders was a greater Bulwark to them, for the French had not pierc'd so far into it, and when the Direction of their Affairs was in the hand of John de Witt, an inveterate Enemy to the Crown of England; yet then, their Interest did so far govern him, and them, as to enter into the Triple League against the Growth and Power of France, and keep it more ftedfastly than we. And most certainly, therefore, now they are exhausted and weaken'd by a War, and stand in need of our Help, now the French have approach'd nearer the Brink of their Country, and are increas'd in Naval Force, to the Danger of their Trade

Anno 29 Car. II. and Navigation, and now their Affairs are chiefly directed by a Kiniman of the Crown of England the Prince of 0. range, they cannot deflect or flart from a League they make with us against our common Enemy.

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Motion for a League with Spain and Hol-

Spain dropt.

Reasons for it.

It was mov'd, That there might be a League offenfive and defensive with Spain and the Dutch, and other convenient Alliances, with the rest of the Confederates. But the Particular concerning Spain was retracted and laid afide by the general Discourse of the Members to this purpose We do covet an Alliance with Spain above others, for that they are Owners of the Netherlands, for whose Preservation we have address'd. That it is with Spain we have the most if not the only profitable Trade, and the Spaniards are good, gallant and fure Friends; but they are remote, and we know not whether there are full Powers here or at Bruffels for this matter; and to wait for that coming from Madrid, would be Church-work; whereas we need the fwiftest Expedition.

An Address to Supply till his Majesty's Alliances are made known.

On the Conclusion of the Debate, which was long, they the King, de. agreed to draw up an Address to his Majesty, to the clining a farther following Effect: We your Majesty's most loyal and dutiful Subjects, &c. having taken into our férious Confideration your Majesty's most gracious Speech, do beseech your Majesty to believe it is a great Affliction to us, to find our felves oblig'd, at present, to declare against the granting your Majesty the Supply you are pleas'd to demand; conceiving it not agreeable to the Usage of Parliaments, to grant Supplies for Maintenance of Wars and Alliances, before they are fignify'd in Parliament; for which Usage, if we might depart, the Precedent might be of dangerous Consequence in future Times, tho' your Majesty's Goodness gives us great Security during your Reign, which we befeech God long to continue. This Confideration prompted us, in our last Address, humbly to mention to your Majesty our Hopes, that before our meeting again, your Majesty's Alliances might be so fix'd, as that you might be gracioully pleas'd to impart them to us in Parliament, that fo our earnest Desires of supplying your Majesty might meet with m Impediment or Obstruction; being highly sensible of the Necessity of supporting, as well as making the aforementional Alliances, and which we still conceive so important to the Safety of your Majesty and your Kingdoms, that we cannot omit, upon all Occasions, humbly to befeech your Majesty, as we do now, to enter into a League, offensive and defensive, with the States General of the United Provinces against the Growth and Power of the French King, and for the Preservation of the Spanish Netherlands; and to make such other Alliances with other such of the Confederates, as your Majefty

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Majesty shall think fit and useful to that End: In doing Anno 29 Car. 116 which (that no Time may be loft) we humbly offer to your Majesty these Reasons for the expediting of it. 1. That if the entering into fuch Alliances shou'd draw on a War with the French King, it would be least detrimental to your Subjects at this Time of the Year, they having now fewest Effects within the Dominion of that King. 2. That tho' we have great Reason to believe the Power of the French King to be dangerous to your Majesty and your Kingdoms, when he shall be at more leisure to molest us; yet we conceive the many Enemies he has to deal withal at present, together with the Situation of your Majesty's Kingdoms, the Unanimity of the People in the Caule, the Care your Majefty hath been pleas'd to take of your ordinary Guards of the Sea, together with the Credit provided by the late Act for an additional Excise for three Years, make the entering into. and declaring Alliances very fafe, until we may in a regular Way give your Majesty such further Supplies, as may enable you to support your Alliances and defend your Kingdoms, 3. And because of the great Danger and Charge which must necessarily fall upon your Majesty's Kingdoms, if, through want of that timely Encouragement and Affistance, which your joining with the States-General of the United Provinces, and other Confederates, wou'd give them, the faid States, or any other confiderable Part of the Confederates, shou'd the next Winter, or fooner, make a Peace, or a Truce with the French King.—Having thus discharg'd our Duty, in laying before your Majesty the Danger threatning your Majefty and your Kingdoms, and the only Remedies we can think of, for the fecuring and quieting the Minds of your Majesty's People, with some few of those Reasons which have mov'd us to this, and our former Addresses on these Subjects; We most humbly beseech your Majesty, to take the Matter into your ferious Confideration, and to take fuch Resolutions, as may not leave it in the Power of any neighbouring Prince, to rob your People of that Happiness which they enjoy under your Majesty's gracious Government; beseeching your Majesty to rest confident and assured, that when your Majesty shall be pleas'd to declare such Alliances in Parliament, we shall hold our selves oblig'd, not only by our Promises and Assurances given, and now with great Unanimity reviv'd in a full House; but by the Zeal and Desires of those whom we represent, and by the Interest of all our Safeties, most chearfully to give your Majesty from time to time fuch speedy Supplies and Assistances, as may fully and plentifully answer the Occasions, and by God's Blessing preferve your Majesty's Honour and the Safety of the People. TOME I. LI

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Anno 29 Car. II. All which is most humbly submitted to your Majesty's great

An Exception

After the reading of this Address in the House, it was observed and objected, 'That there was but one Reason given in it for declining the granting Money, and that was that it was unprecedented, about which they were not satisfy'd.' On the other side it was said, 'There might be other Reasons assign'd against giving of Money before the Alliances, but they rather desired to spare them; only in general they said, 'Twas not reasonable to grant Money before there was a Change (they wou'd not say of Counsellors, but) of Counsels; and a hearty undertaking these Alliances, wou'd be the best Demonstration of that Change: For the swerving from this Interest and Part, was the step by which we went awry, and the returning thereto wou'd restore us to our right Place and Way.'

A Gentleman, likewise produc'd and read the King's Speech of Feb. 10, 1667 which shews the proper Course and Practice, that Kings first communicate their Alliances made before they demand Supplies upon the Account of

them.

And let fall.

Another Ex-

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Upon this the Exception was let fall

But the grand Objection manag'd against it was upon the main Point of the Address, wherein they desired his Majesty to make a League offensive and desensive with the Durch, &c.

Those who were against this Particular, (or particularia-

ing) in the Address, spoke to this Effect.

This is an Invalion upon his Majesty's Prerogative of making Peace, War and Leagues, and it is the worse for the Distinction that is used, in respect of the Dutch and the rest, by which you give express Directions as to the Dutch, and referring to his Directions as to the others, it looks and gives an Umbrage, as if what he was to do was by our Leave.

The ancient Land-Marks, the Boundaries between King and People must not be remov'd: This Power, is one of the few Things entirely reserv'd to the Crown. Parliaments are summon'd to treat de Arduis: But, de quibusdam Arduis is

unprecedented.

The Marriages of the Royal Family is such a peculiar Thing reserved to the King, and the Matter of Lady Arabella is an Instance. Queen Elizabeth resented it highly that the Parliament should propound her marrying; and she said, however it was well they did not name the Person: If they had nam'd the Person it had been intolerable. Now here you name the Persons, you would have the King ally.

If you come to far, you may come to draw a Treaty, Anno 20Car. If: and propose to the King to fign it. By this, you would put a great Indecorum on the King: He is now concern'd as a Mediator at Nimeguen, and it would be an indecent Thing for him, at the same Time, to declare himself a Party. is believed the House of Austria (tho' they sent full Powers to Nimeguen for the Purpote) never intended to conclude a Peace. But it was an abfurd Thing for them to declare so in public: There must be public Decorum,

This is the way for the King to have the worse Bargain with the Confederates; for they, observing how he is importun'd, and as it were, driven to these Alliances, will flacken and lessen those advantageous Offers, which, otherwise, they

would be forc'd to make.

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And again, and again, they faid his Majesty did agree with the House in the end, and they did not doubt but he would profecute it by the fame means as was defired. But his Prerogative was not to be encroach'd upon. This manner of proceeding would never obtain with the King; nay it would make the Address miscarry with him.

On the other Side, feveral spoke to this Effect:

We ought to consider, we are upon the Question of agreeing to an Address drawn by our Committee, by an Order; it they have not, in matter and manner, corresponded with our Direction or Intention, we have cause to disagree: But here the Exception taken, and cause pres'd why we should not agree with them, is because they have observ'd the very Words and Substance of our Order, which exactly joins with this Draught.

This pass'd on Wednesday, upon a full Debate, in a very full House, two only contradicting, and not one speaking, or thinking the King's Prerogative was touch'd, and therefore, it is strange it should be made the great Objection

and Question of this Day.

But the Prerogative is not at all intrench'd upon: We do. not pretend to treat, or make Alliances; We only offer our Advice about them, and leave it with the King. He may do as he pleases; either make, or not make them. It is no more than other Persons may do to the King; for, doubtless, the Privy-Council may advise him in this Particular, and why not his great Council? This Rate of Discourse would make the King's Prerogative confift merely in not being advis'd by his Parliament, of all People.

There have been manifold Precedents for such Advices. Leagues have been made by Advice of Parliament, and have been ratified in Parliament. In Edw. 3. Rich. 2. and espe- Rush. Coll. 41, cially in Henry the 5th's time, with Sigismund the Emperor 42, 45, 46. and King of the Romans; and Henry the 5th was a mag-

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Anno 29 Car. II. nanimous Prince, and not to be imposed upon. 18. Iac. the Parliament advis'd the King about making and managing a War. And we may well remember our own advising the first Dutch War; and making Leagues is less than War.

But, if there were no Precedent in this particular Law, it would be no Objection; for Matter of Advice is not to be circumscrib'd by Precedent, if there be a new Law that a Prince should join in a War, together with another Prince, when that Prince was too potent before; and that when this was discern'd and a Peace made, yet Succours should continually go out of the first Prince's Dominions to the Service of the other Prince, and that notwithstanding several Addresses and Advices to the contrary.

Tis true, as objected, that the Commons have sometimes declin'd advising in this Matter of War, so propos'd to them. But that flews not their want of Right to meddle therewith, but rather the contrary. The very truth is, it has been the Defire and Endeavour of Kings in all Ages to engage the Parliaments in advising War, &c. that so they might be oblig'd to supply the King to the utmost for, and through it. But they, out of a prudent caution, have sometimes wav'd the matter, lest they should engage farther or deeper than they were aware, or willing.

Since his Majesty is treating as Mediator at Nimiguen a. bout the general Peace, it is a great Reason why he should specify the Alliances defired, as we have done, that we might make it known; we are far from defiring fuch Alliances as might be made by, and with a general Peace; but, on the contrary, covering fuch as might prevent and fecure

us against that dangerous and formidable Peace.

Doubtless, the Confederates will offer honourable and worthy Terms; their Necessity is too great to boggle or take Advantages: Nor will they think the League less worthy, because we advise it; but rather value it the more, because it is done unanimously by the King, with the Advice and

Applause of his People in Parliament.

Ruft. Collect. 278.

We cannot suppose that our proceeding thus to his Ma-171, 172. 177, jesty, will prejudice our Address, or endanger its Miscarriage, fince it is for his Majesty's Advantage; in that it obliges us to supply him to all Degrees thro' this Affair: And the more particular it is, the more still it is for the King's Advantage. For, if it had been more general, and the King had thereupon made Alliances, whatever they were, they might have thought and faid they were not the Alliances intended; and it might be us'd as an Excuse or Reason for the not giving Money to supply his Majesty hereafter; but this, as it is now, doth most expressly, strictly and particularly bind us up.

We reflect that a great deal of time, and precious time; Anno 20 Car. 11. has been spent since, and in our Address on this Subject; and finding no effectual Fruit, especially of our last Address, we have cause to apprehend we are not clearly understood in what we meant. Now it is the ordinary way in purfuing Discourse in such case, and 'ris proper and natural for us to speak out, more explicitly and particularly, and tell his. Majesty, that what we have meant is a League offensive and defensive: And to persuade us again to address on, in more general terms, as before, is to perhiade us that, as we have done nothing these ten Weeks, so we shall do nothing still.

And fince his Majesty, in his late Message and last Speech, has been pleased to demand 600,000 l. for answering the Purpose of our Addresses, and assures us, that the Money shall not be employ'd to other Uses, than we would have it employ'd; it is most seasonable for us to declare plainly the Use and Purpose we intend, that so it may be concerted and clearly understood on all hands. And, therefore it is well done, to mention to his Majesty those express Alliances; we thinking no other Alliances worth the faid Sums; and we, withal, promising and undertaking that his Majesty shall have

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Nor have we any cause to apprehend, that his Majesty shall take amiss our advising Leagues in this manner: We have presented more than one Address for Alliances against the Growth and Power of the French King; and his Majesty hath received, admitted and answered them, without any Exception; and if we may address for Alliances against a particular Prince or State; why not for Alliances with a particular Prince or State? It cannot be less regular, or parlia-

mentary than the former.

And moreover, tho' we know that punctual Precedents are on our fides, befides our Commissions by our Writs, to treat oe Arduis & Argentibys Regem, Statum, & Defensionem Regni & Ecclesia Anglicana concernentibus; and beside the King's general Intimations in his printed Speech; yet, if it be faid to be a decent and proper thing to have his Majesty's Leave and Consent before we proceed on such a matter, in such a manner as we now do, we fay that that, in effect, is with us too: For, consider all our former Addresses, and his Majesty's Answers and Messages thereupon; and it will appear that his Majesty has engag'd and encourag'd us too upon that Subject; and that which he expects and would have, is not to limit or check our Advice, but to open and enlarge our Gifts. His Majesty appears content to be thoroughly advised, provided he be proportionably furnished and enabled with Money; which we being now ready to do, we clearly and conducively present him our Advice for the Application of

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1677.

Amo 29 Car. II. it, to prevent those Mistakes and Distrusts, which his Majesty fays he finds some are so ready to make, as if he had call'd us together only to get Money from us, or for other Uses than

we would have it employ'd.

And, truly, the advising those Alliances, together with asfuring his Majesty thereupon to affist and supply him prefently and plentifully to profecute the fame, is our only way of complying and corresponding with his last Speech. For, these Leagues, follow'd and supported by these Supplies, are the only means and methods to put his Majesty in the best condition, both to defend his Subjects, and offend his Enemies; and so there will be no fault in his Majesty, nor us; but his and our Security will be sufficiently provided for.

Beside it will be worse, it will be a very bad thing indeed, not to make the Address for this particular League, now, fince we have refolv'd it already. Our Intention being to have the Dutch, &c. comforted, encourag'd and affur'd. We did order this on Wednesday; and there is public notice taken of it abroad and beyond Sea. If, therefore, we should now, upon folemn Debates, fet the same aside, it would beget a great Doubt, Discomfort and Discouragement to them. It is one thing never to have order'd it; another to retract

Also it was said, that this was necessary; but not all that was necessary. For suppose, which was not credible, that France should be prevailed with to deliver up all Lorrain, Flanders, Alface, and other conquer'd Places, are we fafe? No, he has too many Hands, too much Money; and this Money is in great measure (a Million Sterling at least) supply'd from hence. We must depress him by Force, as far as may be. But farther, we must have Leagues and Laws to impoverish him: WE MUST DESTROY THE FRENCH TRADE. This would quiet, and fecure us; this would make our Lands rife; and this would enable us to fet the King at eafe.

Upon the Conclusion, after a long Debate, the House * divided, whether this Particular of a League offensive and defensive with the Dutch should be left out of the Address, and it was carry'd in the Negative, Yeas 142, Noes 182.

The next day, May 26. The House had Notice, the King would receive their Address, and several Bills being mov'd to be read, it was generally agreed to proceed on nothing, but the French and Popery. After which, waiting upon his Majesty with their Address, He was pleas'd to Answer, that it was long, and of great Importance, that he would confider

^{*} Mr. Echard says it was carried without a Division; but this is not bis only Mistake.

consider of it, and give them an Answer, as foon as he Anno 29 Can No. could.

Accordingly, on Monday the 28th, they were fummoned to the Banqueting-House, where his Majesty was pleas'd to shew his Resentment in this following Speech:

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Gentlemen, Ould I have been filent, I would rather have chosen The King's to be so, than to call to mind Things so unfit for you refenting Speech

to meddle with, as are contain'd in some Parts of your upon it. last Address, wherein you have entrench'd upon so undoubted a Right of the Crown, that I am confident it will appear in no Age (when the Sword was not drawn) that the Prerogative of making Peace and War hath been fo dangeroully invaded. You do not content yourselves with defiring Me to enter into fuch Leagues, as may be for the Safety of the Kingdom, but you tell me what fort of Leagues they must be, and with whom; and, as your Address is worded, it is more liable to be understood to be by your Leave, than at your Request, that I should make fuch other Alliances, as I please, with other of the Confederates. Should I suffer this Fundamental Power of making War and Peace to be so far invaded (tho' but once) as to have the Manner and Circumstances of Leagues prescrib'd to Me by Parliament, 'tis plain that no Prince or State would any longer believe that the Sovereignty of England rests in the Crown; nor could I think myself to fignify any more to foreign Princes, than the empty Sound of a King, Wherefore you may rest assured, That no Condition shall make me depart from, or lessen, so essential a Part of the Monarchy; And I am willing to believe so well of the House of Commons, that I am confident these ill Consequences are not intended by you. These are in fhort the Reasons why I can by no means approve of your Address; and yet, tho' you have declin'd to grant me that Supply which is necessary to the Ends of it, I do again declare to you, That as I have done all that lay in ' my Power fince your last Meeting, so I will still apply myself, by all the Means I can, to let the World see my ' Care for the Security and Satisfaction of my People, altho' it may not be with those Advantages to them, which by your Affistance I might have procured."

At the Conclusion of this Speech, his Majesty was pleas'd farther to declare his Pleasure to them, That the House be Adjourn'd till the 16th of July next; telling them, he Parliament adwould give them notice by his Proclamation when he in journ'd. tended they should fit again; which his Majesty was pleas'd

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1677.

Anno 20 Car.II. to add would not be till the Winter, unless there thou! happen some extraordinary Occasion of calling them sooner

Strange Behaviour of the Speaker.

The Members, after this Rebuke, return'd to the House as it was faid, greatly appall'd: Where several of them of fering modeftly to give vent to their present Thought they were continually prevented by the Speaker; who affirm'd that, after the King's Pleasure was signify'd for an Adjournment, there was no Liberty of Speech. Nevertheless, many Persons insisting to be heard; He, without any Question put, of his own Motion; pronounc'd the House adjourn'd, and hastily quitted the Chair; to the no small Aftonishment of the Members.

Meets again.

The King's Message.

On the 15th Day of January both Houses of Parliament met according to Adjournment, after a Recess or Interval of a little above feven Months. But before they began any Business, the King sent them this following Message: 'That ' his Majesty had Matters of very great Importance to communicate to both Houses, in order to the Satisfaction of the late Addresses for the Preservation of Flanders. But it so happening, that Matters are not yet so ripe as within a few Days they will be; therefore his Majesty's Pleasure was, that they should be immediately adjourn'd till Monday ' the 28th of this Instant January.' On that Day his Majesty came to the House of Peers, and sending for the Commons, he made this remarkable Speech to both Houses:

And Speech to both Houses.

' My Lords, and Gentlemen, 7Hen we parted last, I told you, That before we met again I would do that which should be to your Satisfaction; I have accordingly made fuch Alliances with ' Holland as are for the Preservation of Flanders, and which cannot fail of that End, unless prevented either by the Want of due Affistances to support those Alliances, or by the small Regard the Spaniards themselves must have to their own Preservation. The first of these I cannot suspect, by Reason of your repeated Engagements to maintain them; and I know you are fo wife as to confider, That a War, which must be the necessary Consequence of them, ought e neither to be profecuted by Halves, nor to want fuch Affurances of Perseverance as may give me Encouragement to pursue it: Besides, it will not be less necessary to let our Enemies have fuch a Prospect of our Resolutions, as ' may let them fee certainly, That we shall not be weary of our Arms, till Chriffendom be restored to such a Peace, as

fhall not be in the Power of any Prince alone to diffurb. ' I do acknowledge to you, that I have used all Means possible, by a Mediation, to have procured an honourable and fafe Peace for Christendom; knowing how preferable Fluc

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fuch a Peace would have been to any War, and especially Anno go Car, 12: to this Kingdom, which must necessarily own the vast Benefits it has receiv'd by Peace, while its Neighbours only have yet fmarted by the War; But, finding it no longer to be hoped for by fair Means, it shall not be my Fault if that be not obtain'd by Force, which cannot be had any other Ways. For this Reason I have recall'd my Troops from France, and have confider'd, that, altho' the Dutch shall do their Parts, we cannot have less on ours than ninety Sail of Capital Ships constantly maintain'd, nor less than thirty or forty thousand Land-Men (with the Dependencies) to be employ'd upon our Fleets and elsewhere. And, because there shall be no fear of misemploying what you shall give to these Uses, I am contented that fuch Money be appropriated to those Ends as strictly as you can defire. I have given Testimony enough of my Care in that Kind, by the Progress I have made in Building the new Ships; wherein, for the making them more utiful, I have directed fuch larger Dimensions, as will cost me above one hundred thousand Pounds more than the Acts allow. I have gone as far as I could in Repairing the Old-Fleet, and in Buying necessary Stores for the Navy and Ordnance; and in this and other Provisions, for better fecuring both my foreign Plantations and the Islands nearer home, I have expended a great deal more than the two hundred thousand Founds you enabled me to borrow upon the Excise, altho' I have not found such Credit as I expected upon that Security. I have born the Charge both of a Rebellion in Virginia, and a new War with Algiers: I stand engag'd with the Prince of Orange for my Niece's Portion; and I shall not be able to maintain my constant necessary Establishments, unless the new Impost upon Wines, &c. be continu'd to me, which wou'd otherwise turn only to their Profit to whom we least intend it.

'I hope these Things will need little Recommendation to you, when you confider your Promises in some, and the Necessity of the rest; and to let you see that I have not only employ'd my Time and Treasure for your Safety, but done all I could to remove all forts of Jealoufies: I have marry'd my Niece to the Prince of Orange, by which I hope I have given full Assurances that I shall never suffer his Interests to be ruin'd, if I can be affisted as I ought to be, to preserve them. Having done all this, I expect from you a plentiful Supply suitable to such great Occasions; whereon depends not only the Honour, but, for aught I know, the Being of the English Nation, which will not be lav'd by finding Faults afterwards, but may be prevented by avoiding the chief Fault of doing weakly and by TOME I. M m

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1677-8.

Anno 40 Car. II. halves, what can only be hoped from a vigorous and thorough Profecution of what we undertake. These Con-

fiderations are of the greatest Importance that ever concern'd this Kingdom, and therefore I would have you

enter immediately upon them, without fuffering any other Business whatsoever to divert you from bringing them to

good Refolutions.

Lord O-Brian's Motion for a folemn Funeral and a Monument to the Memory of the late King. 70,0001, voted for that End.

An Address to the King.

The Session open'd with an unexpected Strain of * Lor. alty, for before the House had consider'd any Part of his Majesty's Speech, having fat on part of the 30th of January, the Anniversary Fast, upon the Motion of the Lord †0. Brian, whose Son had lately married the Lord-Treasurer's Daughter, they voted, 'The Sum of feventy thousand Pounds for a folemn Funeral of his late Majesty King Charles the First, and to erect a Monument for the said Prince of glorious Memory; the faid Sum to be rais'd by a two Months Tax, to begin at the Expiration of the present Tax for building Ships.

The next Day the House took the King's Speech into Confideration, and in return presented an Address to his Majesty at Whitehall, declaring their 'Thanks for his Care expressed for the Preservation and Encouragement of the Protestant Religion, in concluding a Marriage between his Niece and the Prince of Orange; befeeching him not to admit any Treaty of Peace, whereby the French King should be left in Possession of any greater Dominion or Power, than was left him by the Pyrenean Treaty: That both on our Parts, and the Parts of the Confederates, w Ship nor Vessel may be admitted to come out of any Port of France, but that the Ships and Men be feiz'd, and the Goods destroy'd: That he would please to provide that none of the Parties who should join in this Alliance and Contederacy against France, depart from the said Alliance, nll

^{*} The Constitution of the present House of Commons, that had sat mean Seventeen Years, was now more manifestly grown into two Parties, which were call'd by the Name of the Court and the Country: The Former wat grown numerous, by a Practice introduc'd about five Years before this Tim, by the Lord-Treasurer Clifford, of downright buying off one Man ofth another, as they could make the Bargain. The Country Party fill costinu'd the Majority, and retain'd more Credit upon the Corruption of others, and their Profession of Adherence to the true Interests of the Nation, especially in the Points of France and Popery: Where these came in question, many of the Court Party voted with those of the Country, who then carried all before them; but whenever the Court appear'd to fall in with the true Interests of the Nation, especially in those two Points, then many of the Country Party, meaning fairly, fell in with the Court, and carried the Votes, as they foon did upon the King's Pretence to grow bold with France, and refelve upon a War, if the Peace was refus'd. Echard. + Vid. Append.

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the faid King be reduced to the faid Treaty: That neither Anno 30Car.II. we nor the Confederates admit any Trade with France, or fuffer any Goods to be imported from thence on pain of Forfeiture: That his Majesty in making such Confederacies as necessary for attaining these Ends, shall never doubt of the Affections of his People. Laftly, they renew'd their former Protestations and Engagements to persevere in the Profecution of the faid War; and when he should be pleas'd to impart fuch Alliances and Confederacies to them in Parliament, they would give such ready Assistances, upon all Occasions, as might bring the War to a happy Conclusion.

To this Address the King return'd the following Answer in Writing, which was read in the House of Commons the 4th of February: 'That he was not a little surpris'd to The King's find so much inserted in their Address of what should not Answer. be, and so little of what should: That his Speech was to both Houses jointly, and the Return ought to be from both: That in their Address of the 20th of May last, they did invite him to a League Offensive and Defensive with Holland against the French King, and for preserving the Spanish Netherlands; and upon his Declaration of fuch Alliances, affur'd fuch speedy Affistances as might fully answer the Occasion: That he hath made such Alliances, yet finds no Return but the old Promises upon new Conditions; and so he may be used to Eternity, should he seem satisfy'd with fuch Proceedings: That on the 28th of May last he told them, how highly he was offended at the great Invation of his Prerogative; yet they took no notice of it, but added to their former ill Conduct new Invasions. They defir'd him to oblige his Confederates never to confent to a Peace till the most Christian King be reduc'd to the Pyrenean Treaty; a Determination fitting only for God Almighty, fince none but he can tell the Terms of Peace who knows the Event of War: They defire him not to fuffer a Ship of theirs to come from France under Pain of Confiscation, not excepting Allies, Prince, or Ambassadors (if any among them:) That he did not believe any Assembly of Men ever gave to great and public a Provocation to the whole World, without so much as confidering to provide one Ship, Kegiment, or Penny towards justifying it: That, however, if by their Affistance he might be put into Arms sufficient for such a Work, he would not be weary till Christendom be reftor'd to fuch a Peace, that it should not be in the power of one Prince to disturb it: That the Rights of making and managing War and Peace were in his Majesty; and if they thought he would depart from any Part of that Right, they were mistaken: the Reins of Government were in his Hands, and he had the fame Care to preferve them there, Mm2

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Anno 30 Car. II. I there, as to preserve his own Person. He kept both his People's Protection and Safety; and that if the House of

' Commons would encourage his Majesty to go further in Alliances, they must consider of raising speedy Supplies:

for from the Consideration of those he must take his

· Measures.'

Shortly after the Commons refolv'd upon a Supply, but with fome strict Limitations. At the same time they undertook to regulate fuch Grievances as arose from their own Privileges; and took off all written Protections which had been granted by several Members to such as were not really their Ser. vants, to an incredible Number; and particularly voted,
That no Protection should be allow'd to any but ther menial Servants, actually in Service, and that not without

written Certificate.

An Address voted, that his Majesty would declare War against France.

Sent up to the Lords, where it stops. The King comes to the

House.

The next thing the House did, was to hasten the Poll-Bill for railing of Money; and on the 14th of March they express'd their Impatiency for a War in these Terms: 'Upon feveral Motions made for confidering the deplorable Condition of the Nation, refolv'd in a Committee of the whole Houle That it is their Opinion, that an Address be presented to the King, humbly to advise his Majesty, that his Majesty, to quie the Minds of his loyal Subjects, and to encourage the Prince and States, Confederates against the French King, would be graciously pleased to proclaim and enter into an actual War with the French King; and to give his Majesty Assurances, That this House will constantly stand by and aid his Majesty, in the Profecution thereof, with necessary and plentiful Supplies and Affistances; and that his Majesty would presently dismiss the French Ambassador, and recal his from France and Nimeguen.' Which Address was the next Day drawn up accordingly, and fent to the Lords for their Concurrence, but never proceeded further. For the King made hafte to fecure the Money-Bill, and on the 20th of March came to the House of Peers, and passed that and another, entitled, An Act for Continuance of two former Acts, for preventing of Theft and Rapine upon the Northern Borders of England. Poll-Bill there was one strict appropriating Clause for the Money so levied, to be apply'd to no use but the intended French War; and also another Clause prohibiting the Im-A fhort Recess. portation of any French Commodities for three Years. Upon passing these Bills, by the King's Order, the Parliament was adjourn'd till the 11th of April, when both Houses met, and acjourn'd to the Monday following.

On the King's particular Appointment, (Mr. Edward Seymour the former Speaker being ill) the Commons chose a new one, Sir Robert Sawyer, one of the King's Council; and then adjourn'd to Monday the 29th of April. in a few days Sir Robert Sawyer excus'd his Attendance

in a Letter, that he could not follow the Service by reason Anno 30Car. II. of a violent Fit of the Stone, occasion'd by his long fitting one Day in the House; whereupon the old Speaker, Mr. Edward Seymour, was again choien, and reinstated in the

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The Commons Vote thereon,

Both Houses being met on Monday the 29th of April, Lord Chancellor and the King upon the Throne; the Lord-Chancellor Finch demands Finch, in a long Speech, 'recited all the Addresses the Advice of both Houses, in that had been made in relation to a War with France; his Majesty's what the King had already done in pursuance of the same, Name. and joining in an effectual League with the Confederates to that End, and how ready the King was to pursue their Defires; but that now his Majesty had discover'd, that the Dutch were entering upon a Treaty of Peace with the French King, and that without his Consent or Privity; therefore his Majesty demands the Advices of his two Houses how to proceed.' Upon Confideration of this, on the 4th of May, the Commons directly voted, ' to give their humble Advice to his Majesty, that he would forthwith enter into the present Alliance with the Confederates, and an actual War with France, &c.' Besides this Advice, it was voted by a Majority of fixteen Voices, 'That the late Leagues, made with the States-General of the United Provinces, are not pursuant to the Addresses of this House, nor consistent with the Good and Safety of the Kingdom.' Upon which, two Days after, the King being disoblig'd, return'd this Answer, (by Mr. Secretary Williamson:) ' His Majesty having been ac- The King's quainted with the Votes of the 4th Instant, is very much Reply. furpriz'd both with the Matter and Form of them; but if ' his Majesty had had Exceptions to neither, yet his Majesty, ' having ask'd the Advice of both the Houses, doth not think fit to give an Answer to any thing of that Nature, ' till he hath the concurrent Advice of both Houses.'

The next Day, May the 7th, the House resolved, That an Address should be presented to his Majesty, for a speedy An Address Answer to their Address of May 4. After which the Que voted to remove ffion being put, that an Address be presented to his Maje- certain Counselfly, to remove those Counsellors who advis'd the Answers to the Addresses of May 26, and January 31 last, or either of them, it pass'd in the Affirmative: Yeas 154, Noes 139. A Debate likewise arising on the said Address, a Motion was made to adjourn, but was over-rul'd: Noes 144, Yeas 103. The Question was then put, that an Address be presented to remove the Duke of Lauderdale from his Majesty's Council and Presence, which pass'd in the Affirmative: Noes 92, Read by Sir Yeas 137. May the 8th, the Address was read for the first Tho. Clarges. time by Sir Thomas Clarges, but several Debates arising

thereon

And again by Mr. Powle.

Anno 30Car. II. thereon, the House adjourned. May 10, Mr. Powle read the Address for the second Time, and the Question being put whether the House should proceed on the said Address, it pass'd in the Affirmative: Noes 174. Yeas 176. The House divided on the fourth and fixth Paragraphs, the first of which was carry'd by fix, and the last by three Voices.

The Address was as follows:

(An Abstract of which only has hitherto been published.)

We your Majesty's most humble and loyal Subjects, the Commons in this present Parliament assembled, do in all Duty and Thankfulness humbly acknowledge your Majesty's Grace and Favour, in demanding our Advice upon the State of your Affairs, in the present Juncture, wherein your Majesty's Honour, and the Safety of this Kingdom are so nearly concern'd. According to which Command of your Maje. tty, we did immediately enter upon Consideration of what was imparted to us by your Majesty's Order, and, after serious Examination, and weighing of the Matter, we did refolve upon an Advice; which, because of the Urgency of Affairs, and the Expedition they did require, we did prefent in that Form, as was not usual in a Matter of so great Importance, and which we then directed to excuse to your Majesty, upon that Consideration, and because we apprehend. ed the Dangers were so imminent, that the Delay of the least Time might be a great Prejudice to your Majesty's Service, and the Safety of your Kingdom. After so much Time already loft, we thought it necessary to apply immediately to your Majesty by ourselves; which, in Matters of this nature, is wholly in the choice of this House, and hath been frequently practifed by us; and, because these Occasions are fo preffing upon your Majesty, and the whole Kingdom so deeply sensible thereof, we most humbly beseech your Majesty, to communicate to us the Resolutions your Majesty hath taken upon our faid Advice, that thereby, these imminent Dangers may be timely prevented.

And whereas the Commons conceive that the present Inconveniencies and Dangers under which the Kingdom now lies, might either totally, or in a great measure have been prevented, if your Majesty had accepted of that Notice which in all Humility and Faithfulness we presented to your Majesty on the 26th of May last, and which we reiterated to your Majesty on the 31st of January ensuing, the retuting of which Advice, and dismissing the Parliament in May last, was the Occasion of those ill Consequences which have fince fucceeded both at Home and Abroad; all which have arisen from those Misrepresentations of our Proceedings, which have been suggested to your Majesty by some particular

ticular Persons in a clandestine Way, without the Participa- Anno 30Car.II. tion and Advice, as we conceive, of your Council-Board, as tho' we had invaded your Majesty's Prerogative of making Peace and War: Whereas, we did only offer our humble Advice in Matters wherein the Safety of the Kingdom was concern'd, which is a Right was never yet question'd in the Times of your Royal Predecessors; and, without which your Majesty can never be safe: Upon which Ground your Majesty was induc'd to give us such Answers to those two Addresses; rejecting our Advice, as thereby your Majesty's good Subjects have been infinitely discourag'd, and the State of your Majesty's Affairs reduc'd to a most deplorable Condition: We do therefore most humbly defire that, for the Good and Safety of this Kingdom, and the Satisfaction of your Subjects, your Majesty would be graciously pleased to remove those Counsellors who advis'd the Anfwers to our Addresses of the 26th of May, and 31st of January last, or either of them.

And we do, farther, most humbly define your Majesty favourably to accept this our humble Petition and Address, as proceeding from Hearts truly devoted to your Majesty's Service; and that, as we have never yet fail'd of giving Testimony lof our Affection and Loyalty, to your Majesty's Person and Government, so your Majesty may rest considently affur'd, that we shall never be wanting to support your Majesty's Greatness and Interest, while your Majesty relies on our Councils; which can have no other End, than what fincerely tends thereto, notwithstanding any finister or self-interested Endeavours to make Impressions on your

Majesty to the contrary.

After this Address had been read, a Motion was made to adjourn the House, but over-rul'd on a Division: Yeas, 150; Noes, 158. A Motion being then made, that the Address relating to the Duke of Lauderdale, might be added to this, the following Paragraph was added:

'And farther we humbly befeech your Majesty, that the The Duke of Duke of Lauderdale may be remov'd from your Presence Lauderdale ex-

and Councils."

The next Day, Mr. Secretary Williamson, giving the Mr. Secretary House to understand that his Majesty would receive their Williamson. Address that Afternoon; added by Command: That has Majesty expected they would dispatch the Supply, or the should be oblig'd to lay up feveral of the great Ships already provided, and to disband many of the Forces newly rais d. This gave rife to a Debate; and an Adjournment being peropos'd, it pass'd in the Negative: Yeas 177, Noes 178.

The next Day his Majesty prorogu'd both Houses to the 23d Instant, having first answer'd the Address extempore, (accoi ding

prefly nam'd in

1678.

Anno 30 Car. II. cording to Mr. Echard, tho' the Parliament Journals make no fuch mention) to this purpose, 'That he was much furpriz'd at the Extravagancy of their Address, and unwilling at present to give it such an Answer as it deserv'd."

On Thursday the 23d of May, after a short Recess or Interval, the Parliament met again; when his Majesty expres'd

himself to the following effect from the Throne:

The King's Speech to both Houses.

The feventeenth Seffion

of the fecond

Parliament.

' My Lords and Gentlemen, IN the first place, I am refolv'd, as far as I am able, to fave Flanders, either by a War or a Peace, which way I see most conducing to that end. In either way, I think it convenient to keep up my Army, and Navy at Sea, for fome time; but I leave it to you to confider of Supplies for their Continuance or Disbanding; and in either case not to discourage so many worthy and gallant Gentlemen, who · have offer'd their Lives and Services to their Country, and that in pursuit of your Advice and Resolutions. I must tell ' you, that a Branch of my Revenues is now expiring, and another Part of it is cut off by a Clause in the Poll-Bill; that I have borrow'd two hundred thousand Pounds upon the Excise at your request; of all which you are to confider. That I have no Intentions but of Good to you, and ' my People, nor ever shall; therefore I desire you will not drive me into Extremities, which must end ill both for vou and me, and (which is worst of all) for the Nation. · I defire to prevent all Disorders and Mischiefs that may befal by our Disagreement; but in case there do, I leave it to God Almighty to judge who is the occasion of it. conclusion, I must tell you, That I will not, for the future, fuffer the old course and method of passing of Laws to be chang'd, by tacking together feveral Matters in one Bill; but this Bill shall certainly be lost, let the Importance be what it will. The rest I leave to the Lord-Chancellor.*

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The Lord Chancellor's Speech.

Accordingly his Lordship made a long and remarkable Speech, of which the most material Part is as follows: "That with reference to the present State of Christendom, and a general Peace, the Advances which had been made abroad, tho' haftened by fome late Occurrences, were long fince meditated and prepared in Holland: For when the States General perceiv'd, that tho' they had strain'd themfelves to the utmost, and exceeded all the Proportions which by their Treaty they were bound to furnish, yet the Spaniards fail'd them in every Point, not only in the Subfidies they were oblig'd to pay, but in the very Strength and Forces they stood engag'd to set out; insomuch that all their Towns

Towns and Garrisons were so far from being in any tolera- Anno accar.IL ble Posture to receive an Enemy, that they remain'd as perfectly defenceless as if they were intended to be abandon'd: Hereupon the States refolv'd to feek all Occasions of coming out of the War, and to lay hold on the first that should offer itself; and to that End, the last Year they solicited his Majesty to endeavour a Peace, and they would then have taken fuch a Peace as they now feek: But his Majesty thought he had done great Service to the Christian World, when he had gain'd two Points upon them; First, to model and concert with them the Terms and Articles of a better Peace; and then, on Prospect of that Peace, to enter into a League offensive and defensive with his Majesty, to obtain that Peace by Force, if it could not be had otherwise. Tho' the Dutch were still inclin'd to accept of Peace, and were hearkening after the French Propositions at Nimeguen; yet such were his Majesty's Resolutions to hold them to their League, and fo constant were all his Refusals to hearken to such a Peace, that they must of Necessity at last have been oblig'd to continue on the War some way or other. But since it was heard abroad, that this League, which was the only Thing by which his Majesty could oblige the States, had been so ill understood at home, as to meet with some very unfitting, and very undeserving Reflections; as soon as it had taken Air, and understood, * That there was a Resolution to give This Part of no Money until Satisfaction was given in Matters of Reli- the Speech gave gion, which in all Countries are the longest Debates that great Umbreget to the Com can be enter'd upon, and at this Time, above all others, mons, should least have been stirr'd; and when at last the King had receiv'd an Address, which they took to be of such Nature as was never feen or heard of before in any State or Kingdom of the World, and proceeded so far as to express his Resentment of it: Then they concluded with themselves, That it was in vain to rely any longer upon England, for England was no longer itself: then all Sides began to wish for Peace, even Spain, as well as Holland; and if the Celfation, which is endeavour'd to be made in order to it, takes effect, as in all likelihood it will, we may conclude, That the Peace will soon follow.

After this historical Account, he proceeded to this Effect: 'What Influence such a Peace will have upon our Affairs, is uncertain; only we know we have given no fmall Provocation to a mighty King, who may be at leifure enough to refent it when he pleases; therefore it imports us to secure ourselves, by preserving Peace and Unity at home: He that foments Divisions now, does more Hurt to his Country, than a foreign Enemy can do, and difarms it at a Time Nn TOME I.

* On the Motion of Sir Thomas Glarges.

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ogocar, II, when all the Hands and Hearts we have are little enough to defend us: No Fears of arbitrary Government can justify, no Zeal to Religion can fanctify fuch a Proceeding! He then reminded them of the late Times, When Religion and Liberty were truly loft, by being made a handle and premonarchy named Tyranny, &c. and can we now endure to see Men break the Act of Oblivion every day, by reviving the Memory of forgotten Crimes in new Practices? It is worth the Confideration, whether we do not bring some kind of Scandal upon the Protestant Religion, when we feem fo far to distrust the Truth and Power of it, that, after fo many Laws past to guard it, and so many miraculous Deliverances from the Attempts made against it, we should still be afraid of its Continuance? Hath not the late Act made it absolutely impossible for the most conceal'd Papist that is, to get into any kind of Employment? And did ever any Law fince the Reformation give us fo great a Security as this? As little reason there is to be jealous of our Liberties and Properties. Can there be a greater Evidence of the Moderation of a Prince, and his Tenderness of the Liberty of the Subject, than to fuffer, as he does every day, fo much licentious and malicious Talk to pass unpunish'd? If there be not a fingle instance to be found in a whole Reign, of a Man that has fuffer'd against Law, and very few of those that have suffer'd by it, shall we endure them that dare fay in all public Places, That the Nation is enflav'd? Let them shew the time, if they can, since the World began, and this Nation was first inhabited, wherein there were fewer Grievances, or less cause to complain than at this present time: Nay, let them search all Ages and Places, and tell us when and where there was ever found a happier People than we are at this day.

He proceeded then to the Matter of the Revenue, and to the same purpose with what the King had said before, with fome Enlargement; but plainly told them, 'That the Manner of their Proceedings was as confiderable to his Majesty, as the Matter; and that he would not accept a good Bill, how valuable soever, unless it came to him in the old and decent Method of Parliaments: That the late way of tacking together feveral independent and incoherent Matters in one Bill, feem'd to alter the whole Frame and Constitution of Parliaments, and confequently of the Government itself. It took away the King's negative Voice in effect, and forc'd him to take all or none, when one part of the Bill might be as dangerous, as the other was necessary for the Kingdom: It took away the negative Voice of the House of Peers by the same Consequence, and disinherited the Lords of their native Liberty of debating and judging what is good for

the Kingdom: It look'd like a kind of defamation of the Anno 30 Car. II. Government, and feem'd to suppose the King and Lords to be so ill affected to the Public, that a good Bill could not carry itself through by the Strength of its own Reason and Juffice, unless help'd forwards by being tack'd to another that will be favour'd: It did at last give up the greateft share of the Legislature to the Commons, and by confequence the chief Power of judging what Laws are best for the Kingdom.' In fine, he shew'd that the same Method might be made use of by the Lords against the Commons; and thus every good Bill would be dearly bought at laft, and one chief end of calling Parliaments, the making of good Laws, be wholly frustrated and disappointed, by departing from that Method which the Wisdom of our Anceftors purposely prescrib'd to prevent and exclude such In-These Innovations the King resolv'd to aconveniencies. bolish, and had commanded him to say to them, State super Vias antiquas.' Then he faid, 'If this Seffion do not repair the Misfortunes, and amend the Faults of the last, it will look like a Fatality upon the Nation. He whose House is destroy'd by Fire, would find but little comfort in faying, The fire did not begin by his means; but it will be a matter of perpetual Anguish and Vexation to remember, it was in his power to have extinguish'd it. Let the World now see, that your Zeal to preserve the Government is the fame as when you were ready to die for its Restoration; and know, 'tis an Act as meritorious, and of as great Duty and Loyalty, to stand between the King and those Libellers, who would create a Misunderstanding between him and his Parliament, as 'tis to fight for him in a Day of Battel. Embellish the History of this Parliament, by shewing us the healing Virtue of this Session: So shall your Service be acceptable to the King, who never forgets any thing but Injuries: So shall you recommend yourselves to Posterity, by transmitting to them the same Peace and Happiness you are And the God of Peace and Unity prosper all trusted with. your Consultations to the Honour and Happiness of the King, and the Joy and Comfort of all his good Subjects."

The House being return'd, proceeded to Business, and helt of all renew'd the standing Order of the House with regard to Bribery and Corruption at Elections; which was

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Resolved, That if any Person, hereafter to be elected into Resolution rea Place to fit and serve in the House of Commons, for lating to Be any County, City, Town, Port, or Borough, after the Teste bery at Elec of the Writ or Writs of Election, upon the calling or fum-tions. moning of any Parliament hereafter; or after any such Place becomes vacant hereafter in time of Parliament, shall, by himfelt, Nn 2

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Anno goCar.II. himself, or any other on his behalf, or at his charge, at any time before his Election, give any Person or Persons, having Voice in fuch Elections, Mear or Drink, exceeding in the true Value 10 s. in the whole, in any Place or Places, but in his own Dwelling-house or Habitation, being the usual Place of his Abode for fix Months last past; or shall, before such Election be made and declar'd, make any other Present, Gift or Reward, or any Promife, Obligation, or Engage. ment to do the fame, either to any fuch Person or Persons in particular, or any fuch County, City, Town, Port or Borough in general; or to, or for the Use and Benefit of them, or any of them; every fuch Entertainment, Present, Gift, Reward, Promise, Obligation or Engagement, is by this House declar'd to be BRIBERY; and such Entertainment, Present, Gift, Reward, Promise, Obligation or Engagement being duly prov'd, is and shall be sufficient cause and matter to make every such Election Void, as to the Person so offending, and to render the Person so elected incapable to fit in Parliament by fuch Election: And hereof the Committee of Elections and Privileges is appointed to take especial notice and care, and to act and determine Matters coming before them accordingly.

Refolvea, That the faid Order do continue a flanding Or-

der of the House, &c.

& Motion to adto declare War against France.

Carry'd.

The King's Anwer.

The next remarkable Transaction of the House, was a dress the King Debate for an Address that his Majesty would acquaint the House with the state of Affairs in relation to War and Peace; as likewise to fignify to his Majesty, that if he thought fit to enter into a War against the French King in concert with the Emperor, &c. the House would support him therein. Upon which, a motion was made to adjourn; which was carried in the Affirmative, Yeas 195, Noes 176. Nevertheless at their next Meeting, May 27, a Resolution past to the like purpose, with this additional Circumstance, that in case his Majesty declin'd to enter into the War, the House would provide for the speedy disbanding of the Army.

The House further order'd, That the Members of his Majefty's Privy Council, do acquaint the King with these Votes, and pray his Majesty's speedy Answer. To which the King return'd the following Answer, which was read the very next Day in the House of Commons: 'That the French 'King hath made fuch Offers of a Ceffation till the 27th of July, as his Majesty doth not only believe will be accepted, but will end in a general Peace; yet fince that is onot certain, he does not think it prudent to difmifs either ' Fleet or Army before that time, nor doth he think it will add much to the Charge, in regard the raifing Money, and paying them off, would take up that time, were they to

be disbanded as speedily as possible: In the mean time he Anno 30Car.II. defired Money for their Subfiftence, that, as hitherto they have been the most orderly Army that ever came together, they may be encourag'd to continue fo. Then he concluded with reminding them of the two hundred thousand Pounds formerly mentioned in his Speech, which he wanted for the Subfiftence of his Houshold.' Hereupon, on the next fitting Day, the Commons unanimously voted, That all Forces rais'd fince the 29th of September last (except those transported to Foreign Plantations) be forthwith paid off and disbanded, and that they would confider

of a Supply for that purpose."

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Upon the 4th Day of June, the House of Commons, who The Commons feem'd now in a more giving humour than in the last Session, vote a Supply. first voted two hundred thousand Pounds to be rais'd by a monthly Tax, in fix Months, after the Land-Tax now in being, should be expired; but with a Clause, That this be for the disbanding the Army, by the end of this present The next day they voted the King two hundred thousand Pounds more, towards defraying the Expences of the Fleet; and were ready to add another fuch Sum for the King's extraordinary Occasions. Soon after which his Majesty sent them a Message by one of his Secretaries of State, importing, 'That his mind was still the same with what he A Message deliver'd in his Speech the 23d of May last, viz. That from the King. the Army and Fleet ought to be kept up till the expected Peace be concluded: And he further recommended to ' their Confideration, whether it were not dishonourable for ' him to recall his Forces in Flanders, from those Towns which he had taken into his Protection, before they could provide themselves of other Succours. Upon Consideration of which, the Commons extended the time, as to the Forces in Flanders, to the 27th Day of July. But upon Saturday the 15th of June they refolved, That after the And refolve no Tuesday following, no Motions should be made for any new Motion shall be Supplies of Money, till after the next Recess; nor any more made for a new private Bills brought in, till after the said Recess. The Di-Supply till after vision on the previous Question being Yeas 160, Noes 154; the next Reand on the Question itself, Yeas 163, Noes 154

On the foresaid Tuesday, June 18th, the King came to the House of Peers, and sending for the House of Commons,

he declar'd to them;

Hat the Season requiring a Recess by the middle of The King's next Month, it was convenient that he and his fecond Speech ' Parliament should part fairly, and with a perfect Confi- to both Houses. 'dence of one another: Therefore he open'd his Heart freely to them in some Particulars of the nearest Concern:

Anno 30 Car. II. ' That what he told them in the Beginning of the Selfion concerning a Peace, feem'd ready to be determin'd, at · least as to Spain and Holland; in which Peace his Part would be not only that of a Mediator, but also to give his Guaranty in it. That Spain writes word, That unless England bears the charge of maintaining Flanders, even after the Peace, they will not be in a condition to support it long; therefore to that end, it was necessary to keep up the Navy at Sea, and not only so, but to give the World fome assurance of being well united at home: That the the House of Commons might think such a Peace as ill a Bargain as a War, because it would cost them Money; yet if they seriously consider'd that otherwise Flanders had been loft, and perhaps by this time, he believ'd they would give much greater Sums than that would cost, rather than the fingle Town of Oftend should be in the French hands, and forty of their Men of War in fo good Then he infia Haven over against the River's Mouth. ' nuated to them, that they could not but be pleased to understand, the Reputation England had gain'd abroad, by having in forty Days rais'd an Army of thirty thousand ' Men, and prepar'd a Navy of ninety Men of War; therefore if they defir'd to keep up the Honour of the Crown at home, and look to the Safety of the Balance of
Affairs abroad, and pursue the Wars of Algiers; if they defir'd he should pass any Part of his Life in quiet, and all the rest in Confidence and Kindness with them, and other future Parliaments; they must find a way, not only to fettle for his Life his Revenue as at Christmas last, but also to add a new Fund of three hundred thousand Pounds per Annum, upon which he would pass an Act to settle fifty thousand Pounds upon the Navy and Ordnance; and fhould be likewise always ready to consent to all such Laws as they should propose for the Good of the Nation.' He laftly reminded them, ' to enable him to keep his word with the Prince of Orange, in the Payment of his Niece's Portion, which was forty thousand Pounds; the first Payment being now due and demanded by him.

Not comply'd with.

Upon the Return of the Commons to their House, they immediately took the Speech into confideration, and foon voted his Majesty the humble Thanks of the House for his most gracious Expressions in it. But when they came to debate on the additional Revenue propos'd, they gave a total Denial to it; and not only fo, but when a motion was made to give a Compensation for the lost Part of his Majesty's Revenues by the late prohibiting Act, concerning French Commodities, it pass'd in the negative, 202 against 145.

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The same Day, a Debate arose in the House on the fol- Anno to Car. II. lowing several Heads, viz. To have an Account of what Pensions have been charg'd upon the Revenue: what Privy Seals have been iffued for fuch Service fince May 1677, and A Debate on for a Test concerning Bribery of Members for giving their Pensions, secret And concerning Popery and taking the Sacrament: Service, &c. converfing with foreign Ministers, and receiving Money from them: concerning fuch as have receiv'd Money for Council for any Bill depending in the House, or any Reward for being Chairman of a Committee: fuch as have follicited for Voices in any Cause depending before the House: such as have offer'd their Service to great Persons to give their Votes in Parliament, and have been refus'd: concerning fuch as keep public Tables, and such as have taken Money for granting Protections. Upon all which, a Motion being made to adjourn the House, it pass'd in the Negative: Yeas. 173; Noes, 103. A Resolution was then taken for an Enouiry to be made into all the above Particulars; and the Question being put: whether they should be referred to a Committee, it pass'd in the Negative: Yeas, 86; Noes, 100. On the 20th, the Lords having defired a Conference on The Lords de-

Matters of great Concern; and the House having appointed fire a Cona Committee for that Purpose, Mr. Powle, the same Day, made a Report of what pass'd at it, which was as follows:

That the Lord Privy-Seal (Earl of Anglesea) did manage Report. the Conference, who acquainted the Manager for the Commons, that the Affair in question was a Message from his Majefty, which the Lords judg'd to be of fuch Moment to both Houses, and the whole Kingdom, that they thought it ought to be communicated without Delay. They then gave a Copy of the Message, which is here annex'd:

The Lord Treasurer, by his Majesty's Command, did let the House know, 'That his Majesty had received a Letter The King's from his Embassador at Nimeguen, Sir Lionel Jenkins, Message to the dated June 15, (N S.) which gave an Account that the Lords. French Embaffador had declar'd to the Dutch, that they would not void any of the Places they held in the Spanish ' Netherlands, until Sweden be effectually restor'd to the Places taken from them, notwithstanding the Peace was already sign'd and ratified between them: That, upon this is arisen a Difficulty upon the side of the Spaniards, whether they will accept the French Conditions: That Mr. Beverning, one of the States Embassadors there, had thereupon earnestly required of them, whether the Army of England was prefently to be disbanded, for no body could tell to what End Things would come: For if France would keep all the Places in the Netherlands filled with Troops, it is in vain the States have taken so much Pains about the Barriers,

1678.

Anno 30 Car. II. Barriers, for then they will have none when all is done: ' That Mr. Beverning was very anxious till he heard out of England: that the Army might not yet be disbanded: that the Imperial Ministers had been to visit him that Day, and that their principal Business was to learn what they ' could from him, and in what State our Army was, Things being in this doubtful Situation.

The Refult of this was a Message to the Lords, to remind them of the Bill, entitled, An Act for granting a Sup. ply to his Majesty, to enable him to disband the Forces rais'd

fince Sept. 29.

The new Imposts on Wine confirmed.

The House then resolved into a Committee, to take into Confideration the Motion for confirming the new Imposts upon Wines, and also, to consider of the Supply for Repayment of the 200,000 l. borrow'd on the additional Excise, and for giving his Majesty 40,000 l. for his Niece's Portion: which being agreed to in the Committee, and resolved on in the House, a Motion was made, that the Words (the better to enable his Majesty to repair the Fleet) be added to the Vote, it pass'd in the Negative: Yeas, 127; Noes, 176.

The 25th, the Lords having return'd the Bill for granting a Supply to his Majesty, to enable him to pay and disband the Forces rais'd fince September 24, with Amendments; the said Amendments were severally read and rejected; after which it was resolved, that a Conference thereon be demanded of the Lords; and a Committee was

appointed to manage it.

The 25th, Sir Richard Temple reported the Reasons and Provisos agreed on by the said Committee, to be offer'd to the Lords at the faid Conference, which were as follow:

'The Lords having agreed with the Commons in this Bill that there is no farther Occasion for the Forces rais'd fince September 29, and fent to the Commons some Amendments; the Commons find themselves obliged to disagree with the Lords Amendments, by reason of the Methods and Rights of their House in a Matter very tender to them: But for anfwering the End to which the Lords feem to aim, the Commons will offer an Expedient, which they conceive warranted by Precedents, viz.

The Earl of Thanet's Bill enter'd into the Lords Journal Feb. 1674, which the Lords then grounded upon a Precedent in 35 of Queen Elizabeth; in both which, Provisos were added by the Lords, after the Bill was fent from the Lords, not relating to any Amendments made by the Commons.

The Proviso being then agreed to by the House, was the same Day left, together with the Reasons and Bill with the Lords.

A Conference demanded with the Lords.

Sir Richard Temple's Report relating thereto.

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The House then resolved into a Committee on the Supply, Anno 30 Car. It. in which it being resolved that 200,000 l. should be laid on all Buildings erected on new Foundations fince 1656; the Question was afterwards put, whether the House should agree with the Committee thereon: It pass'd in the Negative: Yeas, 88; Noes, 117.

The 26th, the Lords by Message desired a second Con- The Lords deference on the same Subject with the former; and the same fire a second Committee having been again appointed to meet them, Sir Conference Thomas Meers, the same Day, gave in his Report of what

pass'd at it, is as follows:

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Their Lordships, finding that as the Bill came up to them Sir Thomas limited to so very short a Time, for the Execution of it, and Meers's Report that under the Ponalties of Forfeitures and Disabilities to of what pass'd bear Office on those who should not do their Work, accord- therein. ing to the Purport of the bill within the Time prefix'd, which their Lordships found absolutely impossible; they, therefore, proceeded to fuch Amendments as made the Bill practicable, by affigning farther Periods of Time, viz. For disbanding the Forces in England, to the 27th of July, and for those beyond Sea to August 24. And for Apprentices to return to their Masters, September 29. To all which Amendments you tell their Lordships, the Commons find themselves oblig'd to disagree with them, by reason of the Methods and Rights of your House in a Matter very tender to you: But did not communicate to their Lordships what those Methods and Rights were. But, for answering the End, which you told their Lordships, they seem to aim ar, you offer'd them an Expedient in the Proviso, then deliver'd, which you conceiv'd was warranted by two Precedents, which you mentioned. We are commanded at this Conference, to let you know that the Lords have difagreed to your Proviso, and for these Reasons:

I That you find their Amendments so necessary, that by the Extedient propos'd you have enlarg'd the Periods even

of their Amendments.

2. The Precedents you produc'd were both in Cases where Defects were found in Bills not remediable any other

way; in which, therefore, both Houses easily agree.

You observ'd rightly that those Provisos, as added by the Lords after the Bills fent up to them by the Commons, did not relate to any Amendments made by the Commons, Whereas the Proviso, now made by the Commons, relates to two of the Amendments, made by the Lords.

4. Their Lordships take notice, that tho' you seem to disagree to all their Amendments, yet, in your Expedient, you take no notice of the Amendment relating to Apprentices, TOME I. Uo

Anno 30 Car. II. without which, the Provision which seems to be made for 1678. them in the Bill, will be merely illusory.

5. It is very doubtful, whether the Proviso, as penn'd,

takes off the Forfeitures and Disabilities.

6. If the Proviso should be added, the Clauses of the Bill would be inconsistent with it; the same Bill appointing short Days under great Penalties, and enlarging the Days without Penalties.

For these Reasons, as their Lordships have disagreed to your Expedient, they do insist upon their Amendments, and desire your speedy Concurrence in the Bill so amended, that his Majesty may not want the Money, so necessary to his

Service, and the Kingdom's Quiet.

The Amendments of the Lords were then read; the first, and second of which, were again rejected, but the third agreed to: The House, likewise, resolv'd to adhere to their Proviso, and order'd their former Committee to draw up Reasons for the same.

A Supply voted.

The fame Day, the House Resolv'd, That the Supply, not exceeding 414,000 l. shall be rais'd by twelve Months Land-Tax.

Sir Thomas Meers's Report concerning the Conference. The 28th, Sir Thomas Meers reported from the free Conference had with the Lords, on the subject Matter of their last, that the Lords had voted to adhere to the Amendments, and to disagree to the Proviso, but did not offer any Reason. This produc'd two Resolutions of the House, to adhere to

the Proviso, and disagree to the Amendments.

July 1. The House desir'd another free Conference with the Lords, in consequence of the said Resolutions. The next Day it was order'd that the Members who manag'd the Conference, or any three of them, should prepare and draw up a State of the Rights of the Commons, in granting of Money, with the Reasons and Proceedings which had occurr'd at the Conference; as, likewise, consider how the Rights of the House might be afferted; and of the Methods and Manner of Proceeding in Conferences between the two Houses.

The 2d. It was Resolved, That all Aids and Supplies granted to his Majesty in Parliament, are the sole Gift of the Commons; that all Bills for the Granting any such Aids and Supplies ought to begin with the Commons. And, That it is the undoubted and sole Right of the Commons to direct, limit and appoint, in such Bills, the Ends, Purposes, Considerations, Conditions, Limitations, and Qualifications of such Grants, which ought not to be chang'd by the House of Lords.

The Money-Bill pass'd.

The 8th, The grand Money-Bill pass'd for granting a Supply to his Majesty, for 1. 619,388. 11. 9.

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The 15th, Sir Richard Temple deliver'd in his Report Anno 30 Car. II. from the Committee, appointed to prepare a State of the Reasons and Proceedings relating to the above-mentioned Conferences; but the Entring the faid Report was respited Temple.

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The House was then commanded to attend his Majesty in Several Bills the House of Peers, where the following Bills receiv'd the pass'd. Royal Assent; viz. 1. An Act for granting a Supply to his Majesty of fix hundred nineteen thousand Pounds, &c. for Disbanding the Army, and other Uses therein-mention'd. 2. An Act for granting an Additional Duty to his Majesty upon Wines for three Tears. 3. An Act to enable Creditors to recover their Debts of the Executors and Aministrators of Executors in their own Wrong. 4. An Act for Burying in Woollen. 5. An Act for Admeasurement of Keels and Boats carrying Coals. 6. An Act for Reviving a former Act, entitled, An Act for avoiding unnecessary Suits and Delays, and for Continuance of another Act, entitled, An Act for the better settling Intestate Estates. 7. An Act for further Relief and Discharge of poor Prisoners for Debt. 8. An Act for Repealing certain Words in a Clause in a former Act, entitled, An Act for Enlarging and Repairing Common High-Ways. 9. An Act for Preservation of Fishing in the River Severn. After which the Lord-Chancellor, by his Majesty's Command, acquainted the two Houses, 'That his Majesty had thought fit, in the present Juncture of Affairs, to prorogue them to the first of August next, and so to keep them in Call by short Prorogations; his Majesty not knowing how soon he might have need of their further Service and Affistance: But that his Majesty's Intention was, they should not meet till towards Winter, unless there were Occasion for their Assembling fooner, of which he would give them timely Notice by his Proclamation.' And accordingly the Parliament was prorogu'd till the first Day of August.

October 21. The Parliament met, and his Majesty open'd The eighteenth

the Session with a Speech to both Houses, as follows:

' My Lords and Gentlemen, Have thought the Time very long fince we parted last, The King's and would not have deferred your Meeting by so many Speech to both Prorogations, if I could well have met you sooner. The Houses. 'Part which I have had this Summer in the Preservation of our Neighbours, and the well-fecuring what was left of Flanders, is fufficiently known, and acknowledged by all ' that are abroad. And, tho' for this Cause I have been obliged to keep up my Troops, without which our Neighbours had absolutely despaired; yet both the Honour and Interest of the Nation have been so far improved by it, that I am confident no Man here would repine at it, or 002 * think

Sir Richard

Second Parlia-

1678.

Anno 30 Car. II. ' think the Money raised for their disbanding to have been ' ill-employed in their Continuance; and I do affure you, I am to much more our of Purse for that Service, that I expect you should supply it. How far it may be necessary, confidering the present State of Christendom, to reduce the Land and Sea-Forces, or to what Degree, is worthy · of all our ferious Confiderations.

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I now intend to acquaint you (as I shall always do with any Thing that concerns me) that I have been informed of a Design against my Person by the Jesuits, of which I fhall forbear my Opinion, left I may feem to fay too much or too little: But, I will leave the Matter to the Law, and in the mean time will take as much Care as I can, to prevent all manner of Practices by that Sort of Men, and of others too, who have been tampering in a high degree by Foreigners, and contriving how to introduce Popery amongst us. I shall conclude with recommending to you my other Concerns. I have been under great Difappointments by the Defect of the Poll-Bill. My Revenue is under great Anticipations, and at best was never equal to the constant and necessary Expence of the Government, whereof I intend to have the whole State laid before you, and require you to look into it, and confider of it with that Duty and Affection which I am fure I shall ever find from you. The rest I leave to the Lord-Chancellor.'

The Lord-Chancellor

Who, after a short Preamble, proceeded thus. Close and Period of the last Session is very memorable; for Finch's Speech, it may feem, perhaps, to some to have ended with very different, if not contrary Councils and Supplies, tending both to War and Peace: But, yet, they who look more nearly into the Matter, shall find that this Uncertainty proceeded not from any Unfleadiness at Home, but from the Mutabilty of Affairs abroad; every Week, almost, producing several and contrary Appearances. The fame Uncertainties of Councils and Events abroad continued for the most part of Summer; one while the Parties, exhausted by the War, seemed to be willing to accept any Peace their Enemies would give; and there wanted not those among them, who made use of the Imparience of their People to necessitate Another while, the Performance of the Conditions offered became to doubtful, and was at last explained in a manner so vastly different from the first Proposals, that Despair begot new Resolutions of continuing the War. the midst of these miserable Perplexities and Confusions, his Majesty was daily solicited with the highest Importunities, and the most earnest Supplications that were possible, not to disband the Troops he had raised; and not only so, but that

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he would still continue to fend over more and more of his Anno 30 Car. II. Troops, and to augment the Forces which he had already abroad. They did as good as tell him plainly, That it was from the Reputation of his Alliance, that any Overtures of Peace had been made at all; and that it was from the Continuance of his Arms, that any farther Performance could They prayed his Majesty to consider, That be expected. if he thought it expedient to obtain some kind of respite or breathing-time for the Spanish Netherlands, or to fecure any kind of Frontier or Barrier between them and their too powerful Neighbours; all this and more, very much more, perhaps no less than the Safety of Christendom, would entirely depend upon his Majesty's preserving himself in that considerable Posture both by Sea and Land, wherein he then There was no refifting fuch repeated Interceffions; and the' his Majesty faw well enough, that his complying with these Desires would engage him in an expence far beyond what he was then provided for, yet he could not posfibly decline the Charge, nor refuse to undergo the Diffi-And now whatever the Cost of all this may amount to, yet neither his People will have any cause to repent it, when they shall consider that it hath already produced such great and good Effects to his Majesty's Allies, and so much Honour to the whole Nation, that whatever is faved of Flanders, is now acknowledged by all the World, to be wholly due to his Majesty's Interposition. And tho' the Peace, which fince hath followed, be very far from fuch a Peace as his Majesty could have wished, yet it is such a Peace as his Neighbours were resolved to have. No Obligations they lay under to infift upon a better Peace, no Conjunction with his Majesty, no nor the Offers to declare War on their behalfs, if they defired it, could prevail with them, or keep them from being wrought upon by the Arts of those, who hilt raifed unreasonable Jealousies amongst them, and then caused them to precipitate themselves into a Peace. you see at once, not only the Necessity which his Majesty had to continue his Troops in Pay, but likewise the Benefits and Advantages which have come of it.

Then insisting upon the Necessity of a Supply, in the same manner that the King had in his Speech, he proceeded in these Words. 'Thus you have in short an account of what had been doing abroad, and the Charge of it, 'tis now high time to look a little nearer home: And surely in that state of things to which they are now reduced, 'tis visible and plain enough what must be our business for the time to come. First, we must look to ourselves, and provide for our own Safety: For that which the Confederates acknowledge with Thanks, we may be sure hath a quite different

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1678.

Anno 30 Car. II. Resentment in other Places. And in order to this, care must be taken so to strengthen ourselves both at home and abroad. that they who see us in a firm and well-settled Estate, may have no hopes to furprize, nor any temptation to make any attempt upon us. And herein it will be necessary to take notice of what his Majesty hath recommended to you, and to weigh very well the Importance of reducing the Sea and Land Forces, and the Confequences which may attend fuch a Reducement: For this be affured, that nothing in the world would more gratify our Enemies, than to fee us afraid of maintaining ourselves in a posture of defence, which is the only posture they are afraid to find us in. And that the Fears of Popery may not too much disquiet you, be pleased to consider that you have one Security more, since that which was always the Interest of his Majesty's Honour and Conscience, is now become the Interest of his Person too, to protect the Protestant Religion, and to prevent the warming of feminary Priests. For his Majesty hath told you, That he hath lately received Information of Defigns against his own Life by the Jesuits. And tho' he doth in no fort prejudge the Persons accused, yet the strict Enquiry into this matter hath been a means to discover so many other unwarrantable Practices of theirs, that his Majesty hath reafon to look to them. Nor are these Men the only Factors for Rome; but there are found amongst the Laity also, some who have made themselves Agitators to promote the Interest of a foreign Religion, who meddle with Matters of State and Parliament, [meaning Coleman] and carry on their pernicious Defigns by a most dangerous Correspondence with foreign What kind of Process the Proof will bear, and to how high a degree the Extent and Nature of these Crimes will rife, is under confideration, and will be fully left to the courfe of Law.

> In the next place, let us carefully avoid all Differences amongst ourselves, all manner of clashing about Jurisdictions, and all Disputes of such nature, as can never end in any Accommodation. For this is still what our Enemies would wish, who would be glad to see us ruined, without their being at the charge of it. And therefore we must now, above all other times, labour to shew the World the most effectual Significations of our Loyalty and Duty that we are able to express; for nothing in the World can more discourage our Enemies: As on the contrary, nothing does or can fo ripen a Nation for Destruction, as to be observed to distrust their own Government. Be pleased then now to take occasion to manifest such a Zeal for the Government, as to look into the State of that Revenue which should support the constant and necessary Charge of it, and to see

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that it be made equal to it. There are many Motives to Anno 30 Car.II. oblige us to this Inspection: First, you see the King expects it; and then again you cannot but fee, that nothing is or can be of a more public Consideration, than to support the Dignity of the Crown, which is in truth the Dignity of Besides, 'tis unsafe as well as dishonourable, the Nation. that the King's Revenue should fall short of his most neceffary, and most unavoidable Expences. And if upon a due Examination it shall be made appear to you, that though there had been no diminution of the Customs, yet no Thrift or Conduct in the World could ever make the Revenue able to answer the certain Charge of the Government, much less to discharge those Anticipations which lie heavy upon it; how can it be possible for it to supply those Contingencies which happen even in times of Peace; and which can never be brought under any Regulation or Establishment? You may be fure a great and generous Prince would be glad, by good Managery, to have wherewithal to exercise his Royal Bounty, but our Neighbours have found a way to prevent that: For their vast Preparations put his Majesty upon a vast expence, to preserve himself and us.

My Lords and Gentlemen,

You now find the King involved in Difficulties as great, and, without your Affistance, as insuperable, as ever any Government did labour under; and yet his Majesty doth not think that there need many Words to befpeak your Zeal and Industry in his Service: For the things themselves now

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The public and private Interest do both persuade the same things, and are, and ought to be, mighty in Persua-If the Honour and Safety of your Country, and, which is next to that, the Concerns of your own Families and Posterities, cannot awaken your utmost care to preserve that Government which only can support you and yours, all other Discourses will be to no purpose. There can be no Difficulties at all to them who take delight in ferving of the King and their Country, and love the occasions of shew-Such as are here! But though the King hath had for many Years a large and full Experience of your Duty, yet there never was a time like this to try your Affections. There is fo strange a Concurrence of ill Accidents at this time, that 'tis not to be wondered at, if some very honest and good Men begin to have troubled and thoughtful Hearts. Yet that which is infinitely to be lamented, is, that maliclous Men too begin to work upon this occasion, and are in no small hopes to raise a Storm that nothing shall be able If you can rescue the King's Affairs from such a Tempest as this; if you can weather this Storm, and steer the Vessel into the Harbour; if you can find a way to quiet the Apprehentions

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Anno 30 Car. H. prehensions of those who mean well, without being carried away by the Passions of others who mean ill; if you can prevent the Defigns of those without doors, who study nothing else but, how to distract your Councils, and to disturb all your Proceedings; then you will have performed as great and as seasonable a piece of Service to the King, as ever yet he flood in need of. And when the World shall see, that nothing hath been able to disappoint the King of the Affiftance he had reason to hope from this Session; but that there is a right Understanding between the King and his Parliament, and that again strengthened and encreased by the Evidences of your Duty and Affection, and raised above all possibility of being interrupted; then shall the King be possessed of that true Glory, which others vainly pursue, the Glory of reigning in the Hearts of his People. Then shall the People be possessed of as much Felicity as this World is capable of: And you shall have the perpetual Honour and Satisfaction of having been the means to procure so much solid and lasting Good to your Country, as the Establishment of the Peace and Tranquility of this Kingdom, and confequently of all his Majesty's Dominions.

The first Resolves of the House were, that a Committee be appointed to confider of Ways and Means for the Prefervation of his Majesty's Person: That an humble Address be presented to his Majesty, for removing Popish Recusants from London; and that a Committee be appointed to enquire into Sir Edmundbury Godfrey's Murder; as likewife The same day the House agreed with the into the Plot. Lords in an Address to his Majesty, to appoint a solemn Fast;

which was to the following effect:

Address of both lemn Faft.

That Information had been given of a horrible Delign Houses for a so- against his facred Life, and being very sensible of the fatal Consequences of such an Attempt, and of the Dangers of the Subversion of the Protestant Religion and Government of this Realm, they humbly befeech his Majesty, that a folemn Day of Fasting and Humiliation may be appointed, to implore the Mercy and Protection of Almighty God to his Majesty's Royal Person, and in him to all his loyal Subjects; and to pray that God will bring to light, more and more, all fecret Machinations against his Majesty and the whole Kingdom. All which was accordingly done by Proclamation, dated the 25th of October, requiring that Wednesday the 13th of November should be kept for a general Fast. On the 24th both Houses again agreed on another Address, viz.

'We, your Majesty's most dutiful and loyal Subjects, the A fecond Address concerning Lords Spiritual and Temporal, and Commons in Parliament Popish Recuaffembled, having taken into our ferious confideration the SART,

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bloody and traitorous Designs of Popish Recusants, against Anno 30 Car. II. your Majesty's sacred Person and Government, and the Protestant Religion, wherewith your Majesty hath been gracioully pleased to acquaint us: For the preventing whereof, we do most humbly beseech your Majesty, that your Majesty would be graciously pleased, by your Royal Proclamation, to command all and every Person and Persons being Popish Recusants, or so reputed, forthwith, under Pain of your Majesty's highest Displeasure, and severe Execution of the Law against them, to depart and retire themselves and their Families from your Royal Palaces of Whitehall, Somerset-House, St. James's, the Cities of London and Westminster, and from all other Places within ten Miles of the same. that no fuch Person or Persons, do, at any time hereafter, repair or return to your Majesty's said Palaces, or the said Cities, or either of them; or within ten Miles of the same, other than Housholders, being Tradesmen exercising some Trade or manual Occupation, and fettled for twelve Months last past in Houses of their own, and not having an Habitation elsewhere, giving in their own Names, and the Names of all other Persons in their Families to the two next Justices of the Peace: And that it may be inserted in the said Proclamation, that, immediately after the Day limited for their Departure, the Constables, Church-wardens, and other the Parish Officers, go from House to House in their leveral Parishes, Hamlets, Constableries and Divisions, respectively; and there to take an Account of the Names and Surnames of all fuch Persons as are Popish Recusants or fuspected so to be, as well Housholders, as Lodgers and Servants; and to carry a List of their Names to the two next Justices of the Peace, who are to be thereby required and enjoin'd to fend for them, and every of them; and to tender to them and every of them the Oaths of Allegiance and Supremacy; and to commit to Prison, till the next succeeding Session of the Peace, all such Persons as shall refuse the faid Oaths; and, at the faid Session, to proceed against them according to Law: And that your Majesty will be pleased to direct Commissions forthwith to be issued under the great Seal of England, to all Justices within the Cities of London and Westminster, and within ten Miles of the same, to authorize and require them, or any two of them, to administer the faid Oaths accordingly. And that your Majesty would farther please to command that no Warrant or Licence granted by the Lords of your Majesty's most honourable Privy-Council, or otherwise than at the Council-Board, to be fign'd by fix Lords of the Privy-Council, whereof the Lord Chancellor, the Lord Treasurer or principal Secretary of State to be one, for the Stay, Return, or Repair of any TOME I.

1678.

Anno 30 Car. II. fuch Person or Persons, in, or to any of the said Places, till some more effectual Law be pass'd for preventing the said Popish Conspiracies, and for the Preservation of your Majesty's sacred Person, and the Religion and Government by Law establish'd; for which, we your Majesty's most dutiful and loyal Subjects, will always employ our utmost Endeavours and daily Prayers. [The same Day and the next, Mr. Oats, Mr. Michael Godfrey, and Mr. Mulys, having given in certain Informations to the House, (who on this Occasion sent for Lord Chief Justice Scroggs from off the Bench to sign certain Warrants) concerning the Plot, and the Death of Sir Edmundbury Godfrey, the following Clause was added to the Address.] And whereas the Safety and Preservation of your Majesty's most facred Person, is of so great a Consequence and Concernment to the Protestant Religion, and to all your Subjects; we do farther most humbly beseech your Majesty to command the Lord Chamberlain and all other Officers of your Majesty's Houshold, to take a strict Care that no unknown or fuspicious Persons may have Access near your Majesty's Person: And that your Majesty will likewise please to command the Lord-Mayor, and the Lieutenancy of London, during the Session of Parliament, and likewise, the Lord-Lieutenants of Middlesex and Surrey, to appoint such Guards of the Train'd-Bands in Middlesex, Westminster and Southwark, and other Places adjacent, as shall be thought necessary.

His Majesty's Answer.

To which his Majesty was pleas'd to reply to this purpose: 'That you shall have the Effect of your Desires, and that he would give speedy Orders for putting the same in Execution.

The House then proceeded to scrutinize farther into the Murder of Sir Edmundbury Godfrey, as likewise into the Particulars of the Popish Plot, and ordered their Speaker to wait upon his Majesty, and communicate to him the Informations the House had receiv'd of the Dangers that his Majefly and the Nation lay under. To which his Majesty was pleas'd to-return: 'That he acknowledged the great Care of the House for the Preservation of his Person and Go-' vernment, &c.'

The following Days, the House was almost wholly employed in examining Witnesses, and Papers relating to the Plot, in the unravelling of which, they testified a very ex-A Bill pass'd to traordinary Zeal; and October 28, to prevent Mischies in the Interval, pass'd the Bill to disable Papists from sitting in either House of Parliament.

> The likewise appointed a Committee to examine Mr. Coleman in Newgate, of which Mr. Sacheverel was Chairman; who reported on the 29th, that the Prisoner Coleman deny'd any Defign against either the King's Life or Autho-

The Speaker order'd to communicate the Proceedings of the House to the King.

disable Papists from fitting in Parliament.

Mr. Sacheverel's Report of Coleman's Examination.

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rity, or that he ever knew or heard of any Commissions to Anno 30 Car. II. raise an Army. That he likewise deny'd, that he ever defign'd or endeavour'd to change the establish'd Religion, or introduce Popery; but confesses, he did attempt to get this Parliament distolv'd, in order to procure Liberty of Conscience, which he thought they would never grant. In order to which, he sollicited 300,000 l. from France; adding, that there were not three Men in England acquainted with his Designs, or Correspondence; of which the Duke of York was one, who, he believes, communicated them to Lord Arundel of Wardour.

That he farther confess'd, that his first Correspondence in France, was by certain Letters he had address'd to * Sir William Throckmorton; by which means he commenc'd a second with || La Ferrier, on whose Death, he sent three or four Letters to La Chaise. That he had also confess'd a Correspondence with the Pope's Nuncio at Brussels, which was occasion'd by a Proposal from the Pope, to surnish the King with a great Sum of Money, provided the Catholics

here might receive proportionable Favour.

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That upon this, he was dispatch'd by the Duke of York to Brussels to the said Nuncio, for a farther Explanation of that Proposal: Who then disown'd that he had any Authority from the Court of Rome to make it; but that he had made it as a private Man? Offering however, his Services at his Return to bring it about: that notwithstanding, he had not corresponded with him for three or four Years.

That the Cypher, with the Provincial's Mark, was that used between him and ‡ Father St. Germain: that he used no Cypher to the Provincial: That he used another Cypher to † Rouvigny's Secretary, but not in public Concerns.

And being then ask'd, whether he knew of any other Sum propos'd or treated on, he answer'd: That he believed there was, to keep the King from joining the Confederates, but

could not affirm that any had been paid.

October 31. A Committee was appointed to enquire into the Delays of iffuing forth the Writs, and fending them down for the electing of new Members: it having appear'd by the Clerk of the Crown, that, instead of returning the Writs after they were sealed, according to the Order of the House, the Lord Chancellor had undertook for their Delivery himself.

The fame Day, Mr. Robert Wright, a Member, was Mr. Robert accused by the Speaker, of having corresponded with Cole-Wright a Member P p 2

The fame Day, Mr. Robert Wright, a Member, was Mr. Robert accused by the Speaker, of having corresponded with Cole-Wright a Member and acquitted.

^{*} Converted by Coleman to the Roman Catholic Faith. || Successively Confessions to the French King. | A Jesuit. + The French Embassiator in England.

Anno 30 Car. II. man: on which, he was examined by the House, and his 1678. Papers fearch'd; but acquitted with Honour.

Mr. Coleman's Letters were then read; of which * three were enter'd in the Journals by Order of the House, viz. one from Mr. Coleman to Father le Chaise, a second to the same, and a third from le Chaife, acknowledging the Receipt of the two former.

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Upon the Evidence already arisen with regard to the Plot. the House came to a Resolution, and appointed a Committee to prepare Matters for a Conference with the Lords upon it; who the next Day, Nov. 1. by Sir Robert Sawyer, their Chairman, delivered in their Report as follows:

'That the House of Commons, after Examination of se-Committee ap- veral Persons Papers, many of which his Majesty did acquaint the House had been communicated to your Lordships, and deliberate Confideration had thereupon, came to this unanimous Resolution:

'That, upon the Evidence, that has Resolved, nem. con. already appear'd to the House, that this House is of Opinion, that there hath been and still is a damnable and hellish Plot contriv'd, and carry'd on by Popish Recusants, for the asfassinating and murdering the King, and for subverting the Government, and rooting out and destroying the Protestant Religion:

The House of Commons, being very sensible of the imminent Danger both the King and Kingdom are in, do think it their Duty to acquaint your Lordships therewith, and do pray your Lordships will be pleased to take it into your serious Consideration, what Remedies are fit and suitable to be apply'd for the preserving the King's Person and Government; to which the Commons shall readily concur, as they doubt not of your Lordships Concurrence to such Remedies as have, or fhall be by them proposed to your Lordthips for effecting this great End.'

These Reasons being agreed to by the House, a Conference was immediately defired and obtained; an Account of which was, in the Afternoon of the same Day, delivered to the House from the Committee, by Sir Thomas Meers, viz.

That my Lord Chancellor manag'd the Conference, and

that what was deliver'd, was as follows:

The Lords have confider'd the Votes of the House of Commons, communicated to them at the Conference, and have most readily and unanimously concurr'd with them in it, nem. con. And their Lordships are very glad to see that Zeal which the Commons have shew'd upon this Occasion, and do fully concur with them; that the most speedy

* For the Letters themselves, see State-Trasts relating to the Reign of Charles II.

Sir Robert Sawyer's Repointed to draw up Reasons for 2 Conference with the Lords.

Resolution of the House with regard to the Plot.

Sir Thomas Meers's Report of the Conference.

and ferious Confideration of both Houses, is necessary for Anno 30Car. II. preventing these imminent Dangers. In order whereunto. their Lordships have resolved to sit de Die in Diem, Forenoon and Afternoon, and defire the House of Commons would do so too. And when their Lordships shall have well consider'd of it, and proper Remedies for these Dangers, they will be ready to communicate them to the House of Commons, and will also take in good Part, whatever shall be com-municated to them by the House of Commons; and will suffer nothing to be wanting on their Parts, which may preferve a good Correspondence between both Houses, which is absolutely necessary to the Safety of the King and Kingdom.

Nov. 2. It was ordered by the House, that Mr. Speaker do address his Majesty from the House, that Mr. Coleman may be pardoned on a full Discovery, and that otherwise, neither Pardon nor Reprieve might be granted him; to both which Requests, his Majesty was pleased the same Day to accord. It was likewise ordered, that Mr. Speaker should fignify what had pass'd to Mr. Coleman in Newgate. who reply'd: 'That he was very sensible of the miserableness of his Condition; for that he knew there was enough already known to take away his Life, and that he did not know enough to fave it. The fame Day, the first Debate arose on an Address for the removing his Royal Highness from his Majesty's Person and Councils.

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On the 7th, Sir Henry Capel reported from the Commit- Six Henry Catee, appointed to examine Mr. Coleman in Newgate, That pel's Report of the faid Coleman received of Mr. Rouvigny 300 l. and of Mr. Coleman's

* Mr. Courtin 260 l. for Intelligence of every Day's Debates farther Exami-* Mr. Courtin, 360 l. for Intelligence of every Day's Debates nation in Newin Parliament, and for keeping a good Table.

That he received last Session of Mr. * Barrillon 25001. to be diffributed among Members of Parliament, which he had converted to his own Use: That Mr. Barrillon had, on the Occasion, pointed at several Members; and that he had told Mr. Barrillon, he had comply'd with his Instructions.

That, at the End of the last Session, he received of Mr.

Barrillon 260 l. more for Parliament Intelligence.

That Mr. Rouvigny, believing the Parliament was inflam'd by the Confederates against France, did therefore encourage him to pursue a Correspondence with Members: To render which more effectual, he did treat with St. Germain, about a Sum of Crowns to be dispos'd of among them.

That none of that Money was receiv'd: That he enter'd no foreign Letters in his Books, after his Correspondence with Le Chaise ceas'd: That he was to receive 30,000 l. on procuring a Security for the Banker's Debt, which was

Embassadors of France bere, after Rouwigny.

1678.

AnnoyoCar.IL afterwards reduc'd to 7000 L in Silver, and 5000 Guineas: of which he receiv'd but the Moiety of the Silver only.

And that this Contract made between himself and Sir Robert Viner, Alderman Bakewell, and Mr. Whitehall was Verbal only.

Sign'd Edward Coleman.

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An Address propos'd, to befeech his Majefty, to order Coleman's Letters to be print-

The same Day the House agreed to an Address, and or. der'd it to be carry'd up to the Lords for their Concurrence: That, whereas a most wicked Defign had been carry'd on for feveral Years past, for the utter Extirpation of the Pro. testant Religion and the Establish'd Government; and that it was necessary to proceed against the Persons concern'd in it, with unufual Severity: The House did humbly conceive that the best way to satisfy the Minds of the People, and stop the Mouths of the Papists, would be to publish some undeniable Evidences of their Transactions here, and Correspondencies abroad; and therefore, humbly desir'd that his Majesty would order Coleman's Letters to Father Le Chaise to be printed, till a further Narrative of the Particulars relating to the horrid Conspiracy may be publicly set forth.

Upon the 8th, Another Address was likewise read, and ordered to the Lords for their Concurrence; humbly befeeching, That his Majesty would issue out his Royal Proclamation, prefixing a Day for certain * Persons, charg'd with being in the Conspiracy, who had fince fled from Justice, to render themselves in order to take their Trials; commanding all Lieutenants, Deputy-Lieutenants, Justices of the Peace, Sheriffs, Constables, &c. to endeavour to ap-

prehend them.

And that it be inferted in the faid Proclamation. That all Conflables, Church-wardens, Headboroughs, &c. do make out a present List of all Popish Recusants, or reputed to be so, as well House-keepers, as Lodgers, in their respective Parishes, and lay the same before one of his Majesty's Justices of the Peace near adjoining: Who shall send for the said Perfons, and offer them the Oaths of Allegiance and Supremacy, and in case of a Refusal, to enter into Recognizance, to appear at the next Session; or in Default of entring into fuch Recognizance, to commit them to the Common-Goals till the next Quarter-Session; when all such Persons so refusing, shall be proceeded against according to Law. That special Commissions be forthwith issued under his Majesty's Great-Seal of England, authorizing the respective Justices of the Peace to administer the said Oaths. That all Lieutenants, Deputy-Lieutenants, and Justices of the Peace, do proceed without Delay, to the disarming all such as refuse

and for difarming popish Recufants, &c.

A fecond Ad-

dress for a Pro-

clamation con-

cerning certain Persons fled

from Justice,

^{*} Conyers, Symonds, Cattaway. Walfe, Lafeur and Pritchard.

That a Reward be given to fuch as shall Anno 30Car.IL to take the Oaths. discover where their Arms are conceal'd, or shall apprehend and bring before any Justice of Peace, any of the said Of-fenders. That all his Majesty's Officers of the Sea-Ports may be enjoin'd to take special Care for the apprehending all Popish Priests, &c. coming in or going out of the Kingdom, to whom the Oaths shall be tender'd; the which if they shall refuse, the said Popish Priests shall be committed; and Notice thereof shall be fent to his Majesty's Privy-Council, that fuch farther Course may be taken for the Safety of his Majesty and his Government; as, in his Majesty's great Wisdom, shall be thought fit.

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ſe te The same Day, the House farther resolv'd, That an A Third humble Address be presented to his Majesty, That there voted for a present on Prayer composed for the Form of Prayer may be a particular Prayer, or Prayers compos'd for the relating to the Cities of London and Westminster relating to the Plot.

The 9th, Mr. Secretary Coventry inform'd the House, Mr. Secretary That his Majesty had been made acquainted that there is an Coventry. Address depending before the House of Lords to be presented to his Majesty, for the Printing of Mr. Coleman's Letters. That these Letters have not as yet been read in the House of Lords, and that it was his Majesty's Pleasure (if this House has done with the Letters) that the same should be return'd, to the end they may be communicated to the Lords. which the House having comply'd, his Majesty order'd their Attendance in the House of Peers; where he express'd himself as follows:

' My Lords and Gentlemen,

Am fo very fensible of the great and extraordinary Care The King's I you have already taken, and still continue to shew for Speech to both the Safety and Preservation of my Person in these Times Houses. of Danger, that I could not fatisfy myself without coming hither on purpose to give you all my most hearty Thanks for it. Nor do I think it enough to give you my Thanks only, but I hold myself obliged to let you see withal, That I do as much study your Preservation too as I can possibly; and that I am as ready to join with you in all the Ways and Means that may establish a firm Security of the Protestant Religion, as your own Hearts can wish: And this not only during my Time, of which I am fure you have no fear, but in future Ages, even to the End of the World. And therefore I am come to assure you, that whatsoever Bills you shall present, to be passed into Laws, to make you fafe in the Reign of my Successor, (so they tend not to impeach the Right of Succession, nor the Descent of the Crown in the true Line; and so as they restrain not my Power, nor the just Rights of any Protestant Successor,)

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1678.

Aano 30 Car.II. ' shall find from me a ready Concurrence. And I defire you withal, to think of some more effectual Means for the

Conviction of popish Recusants, and to expedite your · Councils as fast as you can, that the World may see our

Unanimity; and that I may have an Opportunity of fhewing you how ready I am to do any thing, that may give

Comfort and Satisfaction to fuch dutiful and loyal Subjects.

In the Afternoon, the House of Commons went to the Banqueting-House at Whitehall, and, by their Speaker, returned his Majesty their humble and hearty Thanks, for his most gracious Speech this Day made to both Houses of Parliament. To which his Majesty was pleased to give this Answer:

Gentlemen, It shall always be my study to preserve the Protestant Religion, and to advance and support the In-

terest of my People.

The same Day Mr. Secretary Williamson acquainted the House, That his Majesty had comply'd with their Request for a particular Prayer for the Cities of London and West-

minster, relating to the Plot.

The roth, being Sunday, The House Resolv'd, that another Address be presented to his Majesty, relating to the faid Prayer, there being no mention made in it, of the Papists who are the Contrivers of this damnable and hellish Plot, and humbly to defire his Majesty to give effectual Orders that his Commons be obey'd.

The 11th, A Complaint having been made the 9th before, That the Commissions for taking the Oaths of Allegiance and Supremacy are not iffued forth, pursuant, to his Majesty's Proclamation: And a Committee having been appointed to draw up Reasons to be offer'd at a Conference with the Lords thereon, Mr. Powle deliver'd in the Report

of the faid Committee, as follows.

Mr. Powle's in iffuing out Commissions for Administering the Oaths of Allegiance

Upon the Examination of the Clerk of the Crown, touch-Report touching the Neglect in issuing out Commissions to the Justices of ing the Neglect the Peace, pursuant to his Majesty's Royal Proclamation, and the Address of both Houses for Administering the Oaths of Allegiance and Supremacy to Popish Recusants, and Perfons suspected so to be; and the Clerk of the Crown having inform'd the House of Commons, that a Draught of such and Supremacy. Commissions was prepar'd by the Attorney-General, and engross'd by the said Clerk of the Crown, and by him tender'd last Thursday Morning to be seal'd by the Lord-Chancellor: And that, nevertheless, the said Commissions, neither then, nor at any Time fince, to the Time of his Examination on Saturday the 9th, at 5 ô' Clock in the Afternoon, were, or have been feal'd. And the House of Commons being very *fenfible*

fensible of the great Danger that may ensue to his Majesty Anno 30 Car. II. and these Kingdoms by such Delay, and his Lordship being a Member of your House, thought fit to represent it to your Lordships; desiring that your Lordships will speedily enquire into the Reason of this great Neglect and Contempt of his Majesty's said Proclamation, and do therein, as to Justice shall appertain.

A Conference being then demanded by the Commons, and His Report of granted by the Lords, Mr. Powle, at his Return deliver'd a Conference

the Substance of it in the following Words:

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We have attended the Lords at the Conference, which was manag'd by the Lord-Chancellor. He deliver'd all by word of Mouth, without the help of any Paper; and therefore I must crave pardon, if what I report be not exactly according to his Words, tho' I hope I shall not omit any material Paffage.

He began with telling us that the Lords were very well pleased with the Representation made to them by the Commons, about the Neglect in iffuing out the Commissions for taking the Oaths of Allegiance and Supremacy. was a Zeal well-becoming the House of Commons, not to

fuffer it to be defeated by any Person whatever.

That there was no time, yet lost in this Business; for, had the Commissions been seal'd, it would have been hard to find out the Persons to whom the Oaths were to be applied; and that the Constables were still employ'd about that Work, and had not yet made their Returns.

That, nevertheless, the Lords thought it not enough to thew the Commons that there was no Negligence; but, that, on the contrary, all Diligence had been used in the expediting these Commissions: And that, therefore, their Lordships had commanded him to acquaint us with the

whole Progress of those Commissions.

That it was true the Commissions had been drawn and perus'd by the Attorney-General, and brought to the Seals and not sealed, as the Clerk of the Crown had informed us; but that it was great pity that the Clerk of the Crown was not then in Court, that he might have acquainted us with the whole truth of what pass'd at that time, as well as with that part of the truth he had acquainted us withal.

That it had been debated in the House of Peers the day before, what Regulations and Limits should be inserted in the Commissions; for that their Lordships conceiv'd it hard, that Persons aged, infirm, and not able to go out of town with fafety of their Lives, should not be excepted from taking the Oaths; and this they thought was a Severity be-

youd the Intention of the Commons.

with the Lords

Anno goCar. Fr.

Their Lordships likewise observed, that there was a prudential Power reserved in six Privy Counsellors, whereof the Lord-Chancellor. Lord Treasurer or Principal Secretary of State to be one, to grant Licences. And they thought it reasonable, that the Persons so licens'd should be excepted; else, the Hardship would be greater on those that staid than those that went.

Their Lordships likewise thought that the Peers of this Realm, who are excepted by Law from taking the Oaths of Supremacy, were fit to be excepted out of this Commission: As also, that foreign Merchants and Aliens, being no Subjects, were not within the Law, and could not be thought dangerous; because they were such as did frequent the Exchange, and of whom my Lord-Mayor might have an account, and deliver a List of them to the Council-Table.

That the Lords thought it fit that these Exceptions should be inserted into the said Commissions, that the Justices of the Peace might see whom not to trouble; and thereupon their Lordships gave him directions to make such Exceptions; that the Attorney-General, sitting in Court when the Commissions were brought the next day to be seal'd, advis'd the Officer who had the Seal to hold his hand: Whereupon the Officer stepping to him, asked him, what he should do? And he rold him they must be alter'd.

That this Morning he had acquainted the Lords what just causes he had to complain of the great Difficulty that lay upon him, either by not obeying their Lordships, or

disobeying the whole Kingdom.

That he had brought before them Commissions for six Counties, which comprehended all within ten Miles of London, to which the Proclamation did extend: And he produc'd before them two Forms of Commissions, one a general Form extending to all, the other a particular Form with all the aforesaid Exceptions; desiring their Resolutions in which of the said Forms their Lordships would have the said Com-

missions passed.

That the Lords, tho' they thought the Exceptions most reasonable, yet their Lordships consider'd that because those Commissions had issued upon an Address of both Houses, and that, therefore, to make Explanations by themselves, which had not been communicated to the Commons, might not agree with the good Correspondence which their Lordships should always endeavour to maintain between both Houses; their Lordships gave him Directions to pass the Commissions in the general Form, let the Hardship light where it would, and gave him leave to withdraw presently to seal the Commissions; which accordingly were all sealed.

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He concluded with faying, 'And now, Gentlemen, you Annogo Car. II.

have your full fatisfaction.

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The Business of this Day ended with a Resolution. that a Meffage should be sent to the Lords to remind them of the Bill for the difabling Papilts from fitting in either House of Parliament.

The 12th, the House resolved, 'That, there being an Accufation of High-Treason against Sir William Godolphin. his Majesty's Ambassador in Spain, an humble Address be presented to his Majesty, to desire him to call home Sir William Godolphin, to answer the Accusation.' To which his Majesty was pleased to answer, 'That he had already ordered his Letters of Revocation; and that he had a Person in his eye, who he designed should succeed him in that Service. And on the fame day the Commons prefented another Address to his Majesty, praying, That a spe- An Address for cial Commission may be issued forth, for tendring the Oaths tendering the of Allegiance and Supremacy to all the Servants of his Ma. Oaths of Allejefty and Royal Highness; and to all other Persons (except giance and Suhis Majesty's Portugal Servants) residing within the Palaces Majesty's Serof Whitehall, St. James's and Somerfet-house, and all other vants. his Majesty's Houses; and that there may be likewise special Commissions issued forth, for tendering the said Oaths to all Persons residing within the two Serjeants Inns, all the Inns of Court, and Inns of Chancery.' To which his Majesty return'd an Answer in Writing two days after:

'That as to all his Majefly's own Servants, all the Ser- The King's vants of his Royal Highness, all other Persons residing in Answer.

Whitehall, St. James's, Somerset-house, or any other of ' his Majesty's Houses, except the menial Servants of the ' Queen and Dutchess; as also all Persons within either of ' the Serjeants Inns, or any of the Inns of Court, or Chancery, his Majesty grants it. But as to the Queen's menial Servants, who are fo very inconsiderable in their number, and within the Articles of Marriage, his Majesty does not ' think it fit. And his Majesty cannot but take notice, that in a late Address from the House of Peers, the menial Ser-'vants of the Queen and Dutchess are excepted; and his Majesty hopes that this House will proceed with the same

' Moderation as to that particular.'

This Answer not being thought satisfactory, on the 15th the House proceeded to another Address, in which they humbly advise his Majesty, and renew their Desires, that the Persons excepted in his Majesty's Message may be comprehended in the same Commission; for which they do, in all Duty, lay before his Majesty the Reasons following.

I For the quieting of the Minds of your Majesty's good dress to the same Protestant Subjects, who have more than ordinary care and effect.

Another Ad-

Qq 2

folicirude

Anno 30 Car. II. folicitude for the Safety of your Majesty's Person, by reatime, even against the Life of your facred Majesty.

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2. By your Majesty's Proclamation, set forth upon the Address of both Houses, for banishing Popish Recusants ten

Miles from London, there is no fuch restriction.

3. The Discouragement it would be to this Kingdom, to fee so great a neglect; and the occasions that Papists would take to fay from thence, that all our Fears were ground-

4. It is too great a countenance to the dangerous Factions which are already come to that height, that it renders all

manner of Discouragement on that side necessary.

5. It is against the Laws and Statutes of the Realm; which, as they are preserved and maintained by your Majesty's Authority, so we assure ourselves, you will not suffer them to be thus violated by your Family and Royal Presence,

upon the account of Popish Recusants.

On the 18th, the Commons being informed, that there were several Commissions to Popish Recusants, and Warrants also that they should be mustered, notwithstanding they had not taken the Oaths,, and subscribed the Declaration, according to the Act of Parliament, and that they were counterfigned by Sir Joseph Williamson, Secretary of State: The Notice of this raised such a Heat in the House, that they immediately fent Sir Joseph, as a Member of their House, This much offended the King, who the next to the Tower. Day fent for the House of Commons to attend him in the Banquetting-House in Whitehall, where, in a Speech to them he told them plainly, 'That tho' they had committed his Servant without acquainting him; yet he intended to deal more freely with them, and acquaint them with his In tentions, to release his Secretary: which accordingly he

The King releases him.

Secretary Wil-

liamfon fent to the Tower.

> did that very day. Upon which immediately, the same day, the Commons drew up an Address to his Majesty, to present to him these Reafons of their Proceedings, in the Commitment of Sir Joseph Williamson, as a Member of their House, viz.

An Address to the King that he might not be discharged.

' 1. That divers Commissions were granted to Popish Officers, and counter-figned by the faid Sir Joseph Williamson, and delivered out in October last, fince the Meeting of this House, and the Discovery of the present Popish Conspiracy. 2. Divers Warrants have also been produced before us, of Dispensations, contrary to Law, for Popish Officers to continue in their Commands, and to be passed in Muster, notwithflanding they have not taken the Oaths of Allegiance and Supremacy, and received the bleffed Sacrament of the Lord's Supper, according to the Act of Parliament in that

behalf: All which said Warrants were likewise counter- Anno 30Car. II. figned by the faid Sir Joseph Williamson; which being complained of to us, and confessed by the said Sir Joseph Williamson, we your Majesty's most dutiful Subjects, having the immediate Confideration before us, of the imminent Danger of your Majesty's Person, the Safety whereof is above all things most dear, and likewise the Dangers from Popish Plots, so nearly threatning the Peace and Safety of your Majesty's Government, and the Protestant Religion, were humbly of opinion, we could not discharge our Duty to your Majesty and the whole Kingdom, without the committing the faid Sir Joseph Williamson; and therefore most humbly defire, That he may not be discharged by your Majesty. And we do farther most humbly desire your Majefty, to recal all Commissions granted to all Papitts within the Kingdom of England and Ireland, or any other of your

Majesty's Dominions and Territories.'

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The 21st, the Lords fent back the Bill for disabling Pa- The Bill for pilts from fitting in either House, with three Amendments, disabling Papists, and a Provifo; which being read, the first Amendment was from the Lords agreed to, but the fecond and third, relating to the Ser-with Amendvants of the Queen and Dutchess of York, were rejected ments. On the Proviso the House divided, and it was carried in the Affirmative, Noes 150, Yeas 156. After which the House appointed a Committee to draw up Reasons to be offer'd at a Conference with the Lords, on the 2d and 3d Amendments. The same day a Fray happening in the House between Sir Jonathan Trelawney and Mr. Ash; the Question was put, whether Sir Jonathan should be expell'd? On which the House again divided, and it pass'd in the Negative, Yeas 110, Noes 130. It was then resolved, that he should be sent to the Tower, there to remain during the Session of Parliament; and Mr. Ash was reprimanded in his Place by the Speaker; and both were enjoin'd to profecute their Quarrel no farther.

The 22d Mr. Powle deliver'd in the Address prepared by Mr. Powle. the Committee appointed for that purpose, most humbly to An Address prodesire his Majesty that he would command all the Train'd the Militia. Bands to be in readiness, and that one third Part might do Duty for fourteen Days; and after they are difmiss'd, the two others: And to require them to be very vigilant in the feizing all fuspicious Persons, especially such as travel with Arms, or at unseasonable times, or in unusual Numbers. And likewise to command the Sheriffs to be ready with their Posse, in case of Insurrections, &c.

It was then resolv'd, that it should be sent to the Lords Sent to the for their Concurrence.

&c. lent back

Lords for their Concurrence,

Anno 30 Car. II. 1678.

Mr. Powle's Report of the faid Conference.

The 23d, Mr. Powle, reported from the Conference with the Lords, on the faid Address, That the Lord Privy Seal manag'd the Conference, and that he acquainted them, that the Lords, upon the Perusal of the Address, appointed a Committee to confider of the Laws relating to the Militia, who reported, that upon the Inspection of the Statutes they found, that, without farther Authority, the Militia cannot be kept up above 12 Days in one Year; and thereof four Days to be for general Musters, and two, and two, and two, and two, viz. eight Days, for particular Musters. And that of these 12 Days in many Counties, the Lieutenants have already muster'd their Men some of these Days this present Year. Not but that by his Majesty's Direction, (as appears by the Statute) they may be kept up longer. But their Lordships do not find that there is any power to raise Money to pay them.

Mr. Secretary Coventry.

Mr. Secretary Coventry then deliver'd his Majesty's Anfwer to the Address relating to the Commitment of Mr. Se-

cretary Williamson, which was as follows:

'That he released Mr. Secretary Williamson before your . Address came, as he told you in the Banquetting-House he would do. As to the Returns of granting those Commisfions, his Majesty acquainted you at large with them, in his Speech, when you last attended him. But in answer to your present Address, his Majesty promises to recal all his Commissions whatsoever, given to Papists or reputed Papists, either in England or Ireland, immediately; and for his remoter Dominions, they shall likewise be recalled with all the Expedition the Safety of those Places will e permit.

Sir Edward Deering then deliver'd in the Reasons to be offer'd to the Lords in a Conference, for rejecting their Amendments to the Bill for disabling Papists from sitting in

either House, which were to this effect:

That both Houses having voted that the King's Person was in danger from the Popish Conspiracy, it would not only be most dangerous to his Majesty's Person, but inconfiftent with fuch Votes, to admit Popish Recusants either to reside in the Palace or approach his Person.

That all Popish Recusants being by Proclamation at the instance of both Houses required to remove 10 Miles from London, we cannot think it advisable that any should be harboured in his Majesty's House, where the danger was

more imminent than any where elfe.

That the Design of this Act being for a farther Security of all Popish Recusants, the Commons cannot think it reafonable to allow any of them liberty, contrary to the Law already in being; and if such a Number of the Queen's Ser-

Sir Edward Deering.

Reasons to be offer'd to the Lords at a Conference on their Amendments above-mentioned.

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vants, and her Royal Highness's are in general Terms ex- Anno 30Car. II. cepted out of the Act, it will follow, that if any Peer, or Member of this House be so nominated by them, he will thereby be capable of fitting in Parliament without taking the Tefts.

It was then resolved, that a Conference with the Lords should be required; which being agreed to, and the Managers return'd, Sir Edward Deering gave in his Report as

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That the Conference was manag'd by the Lord Chancel- Sir Edward lor, who acquainted them, that the Lords had confider'd of Deering's Rethe Reasons offer'd at the last Conference; and that they car- port thereupon. ry'd great Weight with them: And that the Lords did propose an Expedient, which was for striking the Queen wholly out of the Bill; and so have her Servants liable to the Law, in general; in which they hoped this House would concur. but if this House should not think fit to concur with this Expedient, that then their Lordships would take the Amendments and Reasons into farther Consideration. That my Lord Privy-Seal told them, that there were Precedents in the Case, but did not name any."

The House then resolv'd not to agree to the said Expedients, and that the Persons employ'd in the former Conference.

should prepare Reasons to be offered at another.

On the 25th, having repair'd to the House of Peers, the King commanded the House to attend him there, on which Occasion he deliver'd the following Speech from the Throne.

' My Lords and Gentlemen,

Told you in the Beginning of this Session, how much I The King's I had been obliged to keep up my Forces in Flanders: third Speech That without it our Neighbours had absolutely despaired, to both Houses, and by this Means, whatever has been faved of Flanders, is acknowledged to be wholly due to my Interpolition: And I shewed you withal, that I had been forced to employ that Money which had been raifed for the disbanding those Troops, in the continuance of them together; and not on-'ly so, but that I had been much more out of Purse for that Service; a Service by which the Honour and Interest of the Nation have been fo much improved, that as I am confident no Man would repine at it, so I did not doubt but you would all be willing to supply it. I have now undergone this Expence so long, that I find it absolutely impossible to support the Charge any longer; and did therefore think of putting an end to that Charge, by recalling my Troops with all possible speed, who are already exposed to the utmost Want and Misery, being without any Prospect of farther Pay or Subsistence. But whilft I

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1678.

Anno 30 Car. II. ' was about to do this, I have been importuned by the Spa-' nish Ministers to continue them a little longer, until the Ratifications of the Peace be exchanged; without which all that hath been hitherto faved in Flanders, will inevita. bly fall into the Hands of their Enemies. And now, between this Importunity to keep up those Troops, and my own Inability to pay them any longer, I find myself in great Difficulties what to resolve. If you do not think that the public Safety may require the Continuance, I do wish as heartily as any Man, that for the public Ease, they may be speedily disbanded, and paid off. I have thought fit thus to lay the Matter before you; and having acquitted myself to all the World, by asking your Advice and Affistance, I defire it may be speedy, and without any manner of Delay.

Sir Edward Deering's Report concerning the Lord's Expedient.

The same Day, Sir Edward Deering reported the Reafons to be offer'd against the Lords Expedient, which, with some Amendments made at the Table, were to the following Purpose:

'That it is contrary to the Custom of Parliament, to strike out any thing in a Bill, which has been fully agreed,

and pass'd in both Houses.

'That in the Amendment propos'd to the Bill by your Lordships, to which the Commons have disagreed, the Number of the Queen's Servants to be excepted out of the Act; was limited: But by leaving the Queen's Name out of the Bill, she may have them without Number: which aggravates the Mischief, and consequently hath not the Nature of an Expedient.

'That one Bill for preventing Dangers from Popish Reculants, has already been found ineffectual, by reason there

was no express Mention of the Queen's Servants.

'That the Scope of the Bill not only relates to the moving Papists out of both Houses of Parliament, but also from the Court, as appears both from the Preamble and Body of the Bill; and the Dangers his Majesty is expos'd to, may be reasonably suppos'd to be-chiefly in his Court: And that the Safety of his Person, the Commons think ought to be more confider'd, than any Respect to any Person whatever.

A Conference refol ved there-

Sir Edward Deering's Report of the fame.

And upon these Premises, it was resolved, that another Conference should be defired.

The next Day being the 25th, the faid Conference was held, and of which Sir Edward Deering made the following

'That the Lord Chancellor manag'd the Conference; and, that the Lords, having consider'd the Reasons offer'd at

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the last, propos'd a farther Expedient, with which they Anno 30 Car. II. hoped this Honse would concur. 1678.

That the Lords did infift upon the Amendments by them made, which related to the Queen's Portugal Servants: That they wav'd what related to the excepting a limited Number of Men-Servants to the Queen and Dutchess: and did now only except a small Number of Women-Servants, from whom no Assassination could be reasonably apprehended.

A Motion being then made, that the Words (not exceed nine in Number at any one Time,) should be added to the Lords Amendment, relating to the Portugal Servants; the Question was put, Whether the House should then adjourn,

but pass'd in the Negative: Yeas, 71; Noes, 81.

After which, the Question being put to agree with the An Amend-Lords in what related to the Dutchess of York's Women-ment of the Servants, it pass'd in the Negative: Yeas, 65; Noes, 87. Lords rejected, And the former Managers were directed to prepare Reasons to be offered at another Conference with the Lords, why the House did not agree with that Part of their Amendment.

The 27th, Sir Edward Deering delivered in his Report Sir Edward

from the faid Managers as follows:

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'That, as their Lordships had propos'd their Addition, port from the the Number of her Majesty's Portugal-Servants, being un- Committee on limited, might be increas'd to a Degree that might be very the faid A. inconvenient.

'And that as to the Amendments relating to her Royal the Lords. Highness, the Commons conceive it to be an Innovation in the Law, to allow any Person except the Queen, any Fa-

mily of her own separate and distinct.

The fame Day, the faid Reasons, together with the Bill, were left with the Lords, who presently after signify'd by Message, their Assent to the Militia-Bill; and that for dis-

abling Papists to fit in Parliament.

The House then proceeded to the Consideration of the State of the Nation, in relation to the Army; and refolved, The Commons nemine contradicente, 'That it is necessary for the Safety of resolve to dishis Majesty's Person, and Preservation of the Peace of the Go-band the Army. vernment, that all the Forces that have been raised since the 29th of September 1677, and all others that fince that time have been brought over from beyond Seas from foreign Service, be forthwith disbanded: And farther in these Words resolved, It is the humble Opinion and Desire of the House, That the Forces which are now in Flanders, may be immediately called over, in order to their disbanding.

The 28th, Mr. Secretary Coventry acquainted the House, that the Vote with relation to the disbanding the Army, had been presented to his Majesty; which being a Matter of

Deering's Remendment, to be offer'd to

great

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An Address to remove the Queen from Court,

Anno socar. II. great Moment, he would confult and a frife with his House of Lords, before he would give an Amwer. After which, Mr. Oates having deliver'd certain Informations to the House against the Queen, the following Address was immediately prepar'd, and order'd to the Lords for their Concurrence. We your Majesty's loyal and dutiful Subjects, the Commons in Parliament allembled, having receiv'd Information, by several Witnesses, of a most desperate and traitorous Delign and Conspiracy against the Life of your most Sacred Majelty, wherein, to their great Aftonishment, the Queen is particularly charged, and accus'd; in discharge of our Allegiance, and out of our Affection and Care for the Preservation of your Majesty's sacred Person, and, consequently, of the whole Kingdom, do most humbly befeech your Majesty that the Queen, and all her Family, and all Papifts, or reputed or suspected Papists, be forthwith remov'd from your Majesty's Court at White-hall. The King paffes

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Upon the 30th, the King went to the House of Peers, and having fent for the Commons, passed the Bill For difabling Papists from sitting in either House of Parliament. the Militia Bill, presented at the same Time, he totally rejected, alledging, 'That it was to put the Militia out of his Power, which thing he would not do, no not for one · Hour; but, if the Commons would affift him with Money for that Purpose, he would take care to raise such a Part of the Militia, as should secure the Peace of the Govern-

ment, and his own Person."

An Address refolv'd on the State and Danger of the Nation.

Mr. Secretary

Coventry deli-

vers a Meffage

from the King.

to the House,

the Bill against

the Papists, but

rejects that for

raising the

Militia.

December 2. The House order'd, That an humble Address be presented to his Majesty, containing a Representation of the present State, and Dangers of this Nation, to be grounded on the following Heads, viz. 1. On the Misreprefentation of the Proceedings of this House.

2. On the Dangers that have and may arise from private

Advices, contrary to the Advice of Parliament.

[The House divided on this Article, and it was carry'd in the Affirmative, Yeas 138. Noes 114.]

3. On the great Danger the Nation lies under from the

Growth of Popery.

4. On the Danger that may arise to his Majesty and the Kingdom, by the Non-observation of the Laws, that have been made for the Preservation of the Peace and Safety of the King and Kingdom.

The 4th, Mr. Secretary Coventry deliver'd a Meffage to the House in Writing, from the King, which was as

follows:

· Charles R.

His Majesty, to prevent all Misunderstandings that may arise from his not passing the late Bill of the Militia, is · pleas'd

pleas'd to declare, That he will readily affent to any Bill Anno 30 Car. II. of that kind, which shall be tender'd to him, for the public Security of the Kingdom, by the Militia, so as the whole Power of calling, continuing, or not continuing of them together, during the Time limited, be left to his Majesty,

to do therein as he shall find most expedient for the public Safery."

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The 5th, the House impeach'd Lord Arundel of War- Five Popish dour, the Earl of Powis, Lord Viscount Stafford, Lord Petre, Lords imand Lord Bellatis of Treason, and other high Crimes and peach'd.

Mildemeanours. The 7th, Mr. Speaker fignify'd to the House; that he The King dishad acquainted his Majesty, altho' it was not by Order of the owns a verbal Message deliver-House, of the Entry that was made of his Majesty's Answer ed to the House to the Address concerning the calling over the Forces out by the said Seof Flanders; and that his Majesty was pleas'd to declare, cretary. That he never gave Orders for such Answer. But that his Majesty's Intention was only in relation to the Forces that were in Flanders; and, that Circumstances, as to those Forces, were alter'd fince that Time; and that his Majesty had already given Order for their disbanding.

The 16th, 'The House Resolv'd, That the Bill for grant- A Supply grant-ed for disbanding ing a Supply to his Majesty, for Paying off, and Disbanding the Army. the Forces, &c. should pais; and that it should be entitled, An Act for granting a Supply to his Majesty, of 206,462 l. 17 s. 3d. for the effectual Paying off, and Disbanding the Forces rais'd, or brought over from foreign Parts, into this Kingdom since Septem-

ber 29, 1677. The 19th, Mr. Chancellor of the Exchequer (Sir John A Message Ernley) acquainted the House, that he was commanded by his from the King, Majesty to inform the House that his Majesty having receiv'd to inform the House, that he Information that his late Embassador in France, Mr. Montagu, had ordered a Member of this House, had held several private Conferences Mr. Montagu's with the Pope's Nuncio there, without any Direction or In- Papers to be struction from his Majesty, to the end he might know the Truth less d. of that Matter, he had given Order for the seizing Mr. Montagu's Papers.

Upon which the House resolv'd, That no Judgment could Their Resolube made, either in relation to their Member, or Privilege tion thereon. of the House, which may be in a great measure invaded, unless his Majesty will be graciously pleas'd to let this House know, whether the Information against Mr. Montagu was given upon Oath, or of what Nature the Offence was, that was thus complain'd of.

A Committee was then appointed, instantly to wait upon Transmitted to the King with this Vote, who, upon their Return, inform'd the King. the House, That they had been to wait upon his Majesty, Rr 2 according

Mr. Montagu offers the House certain Papers of Consequence. Which are fent

Anno 30Car.II. according to Order, who had fent them Word out of the House of Lords, that he was at that Time very busy, and that his Majesty had rather they would attend him at Whitehall, when the House was up.

> Mr. Montagu, then, took this Opportunity to acquaint the House, that he had in his Custody several Papers, which he conceiv'd might tend very much to the Safety of his Ma. jesty's Person, and the Preservation of the Kingdom. produc'd an Order of the House, That certain Members should be dispatch'd to bring them before the House; which was presently done, and Mr. Montagu himself was order'd to open the Box, and select such, as he thought might be for the Service of the House; and dispose of all those, which properly concern'd himself, as he thought fit. Mr. Montagu. then, presented two Letters to the House, subscrib'd Danby, the first, dated January 17, 1677; and the second, March 25, 1678. both which, were read by Mr. Speaker to the House, who took great Exceptions to the following Passages.

And read.

From the First, 'Yesterday young Rouvigny came to me with Monsieur Barillon, (having given me his Father's Letters the Day before) and discoursed much upon the Confidence the French King hath of the Firmness of our's to him; of the good Opinion his Master hath of me; of his King's Resolution to condescend to any thing that is not infamous to him, for the Satisfaction of our King; how certainly our King may depend upon all Affistances and Supplies from his Master, in case the Friendship be preserved.—The main of their Drift was, to engage me to prevail with the Prince of Orange, as to the Town of Tournay—The King must come to some Declaration of his Mind to the Parliament when it meets. That which makes the Hopes of Peace less probable, is, that the Duke grows every day less inclined to it, and has created a greater Indifferency in the King than I could have imagined; which added to the French King's Resolutions, not to part with Tournay, does, I confess, make me despair of any Accommodation: Nevertheless, I am affured, that one principal Cause of this Adjournment for thirteen Days, has been to see if any Expedient for the Peace could have been found in that Time; and the Effect of the Adjournment hath hitherto been, that no body will now believe other than that the Peace is already concluded between us and France.'

From the Second: 'In case the Conditions of the Peace shall be accepted, the King expects to have fix Millions of Livres a Year, for three Years, from the Time that this Agreement shall be figned betwixt his Majesty and the King of France; because it will probably be two or three Years

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before the Parliament will be in the Humour to give him AnnogoCar. H. any Supplies, after the making any Peace with France; and the Ambassador here has always agreed to that Sum, but not for fo long a Time. If you find the Peace will not be accepted, you are not to mention the Money at all; and all possible Care must be taken to have this whole Negotiation as private as is possible, for fear of giving Offence at home: where, for the most part, we hear, in ten Days after, of any thing that is communicated to the French Minister.

At the bottom of this Letter are these Words: This LETTER IS WRIT BY MY ORDER.

Upon reading of these Letters, the House was all in a An Impeach-Flame, which was no ways allayed by the King's own ment voted Hand that appeared at the bottom; and it being propounded against Lord Hand that appeared at the bottom; and it being propounded, Danby. That there was sufficient Matter of Impeachment, the House divided on the previous Question, which was carry'd in the Affirmative, Yeas 179, Noes 116. A Committee was immediately appointed to draw up Articles, of which Mr. Montagu was one; and a Resolution pass'd, That the Speaker should not at any time adjourn the House, without first putting the Question, if insisted on.

The 20th, Mr. Speaker inform'd the House, That he had receiv'd a Letter from the Lord-Treasurer (Danby) inclosing two others written by Mr. Montagu, while Embassador at Paris, which he conceived to be for the Service of the House. The faid three Letters were * READ, and then the

House adjourn'd.

* The contrary of this is affirm'd by Mr. Echard: But thus it flands

in the Journals.

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The first was dated Paris, January 11, 1677-8, in which were these Words; I give you the best Light I can into the Reason of Monsieur Rouvigny's Son's Journey into England, who will be there, perhaps, as soon as this Letter. If his Father's Age would have permitted it, I believe they would have fent him; for they have chosen the Son, who is to make use of Lights his Father will give him; and by the nearer relation he his to my Lady Vaughan, who is his Cousin-german, and the particular Friend-ship which Father and Son have with Mr. William Russel, be is to be introduced into a great Commerce with the male-contented Members of Par-liament, and infinuate what they shall think fit, to cross your measures at Court, if they shall prove disagreeable to them here, whilst Monsieur Ba-

rillon goes on in his smooth, civil Way.

The second Letter, dated Paris, January 18, 1677-8. has these Words, after speaking of young Rouvigny's Journey: His chief Errand is to let the King know, 'That the King of France did hope he was so firm to him, at not to be led away by the grand Treasurer [Danby] who was an ambitious Man, and, to keep bimself with the People, would gratify their Inclinations, by leading bis Master into an unreasonable War against France. That as for Money, if be wanted that, be should have what be would from bence. His Instructions are, if this does not take, by the

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Anno 30 Car.IJ. 1678.

Certain Amendthe Bill of Supply, rejected.

Articles of Impeachment of Danby.

The 21st, The Lords fent down the Bill for raifing 1. 206,462. 17. 3. for the Payment, and Disbanding of the Forces, &c. with several Amendments, which were read, and the greatest Part rejected: And a Committee was appointed by the Lords to prepare Reasons to be offer'd at a Conference.

The same day the Articles of Impeachment against the

Earl of Danby were read, and are as follow:

I. That he hath traitoroully engross'd to himself regal Power, by treating in Matters of Peace and War with against the Earl foreign Princes and Ambassadors, and giving Instructions to his Majesty's Ambassadors abroad, without communicating the fame to the Secretaries of State, and the rest of his Ma-

jesty's Council, &c.

II. That he hath traitorously endeavoured to subvert the ancient and well-established Form of Government; and, instead thereof, to introduce an arbitrary and tyrannical Way of Government; and, the better to effect this his Purpole, he did design the raising of an Army, under pretence of a War against the French King, and then to continue the same, as a Standing-Army within this Kingdom: And an Army being fo railed, and no War enfuing, an Act being passed to pay and disband the same, he did continue the Army contrary to the faid Act, and misapplied the Money to the Continuance thereof, and wilfully neglected to take Security of the Pay Masters of the Army, as the said Act required, whereby the faid Law is eluded, and the Army is, yet, continued, to the great Danger, and unnecessary Charge of his Majesty, and the whole Kingdom, &c.

III. That he, traitoroully intending and defiguing to alienate the Hearts and Affections of his Majesty's good Subjects, from his Royal Person and Government, and to hinder the Meetings of Parliaments, and to deprive his Majesty of their fafe and wholesome Counsel, did propose and negotiate a Peace for the French King, upon Terms disadvantageous to the Interest of his Majesty, and his Kingdoms; for the doing whereof, he endeavoured to procure a great Sum of Money from the French King, for enabling him to maintain and carry on his faid traitorous Defigns and Purpofes.

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means of William Russel, and other discontented People, to give a great deal of Money, and cross all your Measures at Court .- Old R wigny, who values himself for knowing of England, has given it them for a Maxim, That they must diminish your Credit, before they can do any good; but fince their chief Quarrel to you is, the being so just to your Master's Interest, I am sure he is too just to let them do you any hurt. If the King is for a War, you know what to do; if he hearkens to their Money, he pleased to let me know what they offer, and I dare answer to get our Master as much again; for Barillon's Orders are to make the Marnet as low as be

IV. That he is poptfuly affected, and hath traitoroully Ahno 30Car.II. concealed (after he had notice) the late horrid and bloody Plot and Conspiracy, contrived by the Papists against his Majefty's Person and Government; and hath suppressed the Evidence, and reproachfully discountenanced the King's Witnesses in the Discovery of it, in favour of Popery,

V. That he hath wasted the King's Treasure, by issuing out of his Majesty's Exchequer several Branches of his Revenue for unnecessary Pensions and secret Services, to the Value of 231,602 Pounds, within two Years, &c. And he hath removed two of his Majesty's Commissioners of that part of the Revenue, for refuling to consent to such his unwarrantable Actings therein, and to advance Money upon that Branch of the Revenue for private Uses.

VI. That he hath, by indirect means, procured from his Majesty to himself, divers considerable Gifts and Grants of Inheritance, of the ancient Revenue of the Crown, even

contrary to Acts of Parliament.

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On reading the first Article a second time, the Question Divisions therewas put, that the Articles be committed, which pals'd in the on-Negative, Yeas 137, Noes 179.

The House divided next on a Motion for Candles, which

passed in the Affirmative, Yeas 165, Noes 115.

The House again divided on a Motion to leave out the Word traitoroufly in the first Article, which passed in the Negative, Noes 179, Yeas 141.

On a Resolution that Lord Danby should be impeach'd on the above-recited Articles, a Motion was made to ad-

journ, but over-ruled, Yeas 142, Noes 170.

The last Division during this grand Debate, was on a Motion whether the faid Lord should be impeach'd on the 4th Article, and it was carried in the Affirmative, Yeas 143, Noes 119.

The 23d, Mr. Chancellor of the Exchequer presented Several Letters feveral Letters (afterwards READ) to the House, by Order laid before the of his Majefty, in answer to their Address, to know whether House by the King's Order, the Information against Mr Montagu was taken upon Oath, relating to Mr. and of what nature the Offence was, that was complain- Montagu.

The same day Mr. Powle deliver'd in his Report from Mr. Powle's the Committee appointed to prepare Reasons to be offer'd Report of Reato the Lords at a Conference why the House did not agree fons for rejecting to the Amendments made by them to the Bill, for granting the Lords Amendments to a Supply, &c. which, in Substance, was as follows:

That the Appointment of Receiver-General by his Ma- Supply. elty, being made by their Lordships in reference to the Payment of the Money into the Exchequer; the Commons difagreeing

Anno 30 Car. H. disagreeing with their Lordships in that Amendment, the 1678. Reasons of that Appointment cease:

That if the nominating a Receiver-General should be de. lay'd, the whole Business of disbanding would be delay'd or

disappointed likewise.

That the Commons granted a Sum of Money for disbanding the Army last Year, and intrusted it to the Exchequer; but that the said Sum was employ'd for the Continuance of the Army, without disbanding one Man; and that they cannot think it safe to trust the Exchequer again, while manag'd by the same Persons.

That the Commons have directed the Payment of the Money into the Chamber of London, for its Security; and that their Lordships never before chang'd any such Dispo-

fition made on a Supply granted by the Commons.

That the Commons do not conceive certain Words added by the Lords to be necessary.

That in naming Colonel Birch, their Lordships haveo-

mitted his Title of Colonel.

That the Commons, thinking it necessary for the Peace and Safety of the Kingdom, that the Army should be immediately disbanded, to prevent all Evasions, have enumerated all ways hitherto used for that purpose, that they might be declar'd to be within the Penalties of the present Act.

That it being effential that the Soldiers should disperse as soon as they are disbanded, the Commons do not think the Penalty of Felony too great in case of Disobedience.

That the Commons think fit to continue the Preamble to the Clause of Indemnity, because it contains the Reasons for inserting that Clause in the Bill.

[Here follow'd two other Reasons relating to the Addition of the Word such, which being unintelligible, without the Amend-

ments themselves, are left out.]

That this being an Act for the more effectual disbanding of the Army, the Commons did limit the Indemnity to the Officers and Soldiers, being the Persons that were to be disbanded; that, thereby, they might be encouraged to disperse, when they were satisfy d they might return home with safety. And the Commons not thinking it necessary or convenient to extend it any farther.

That the Commons do not think fit to extend the Indemnity to any Person enlisted, or mustered, since November 1; because they see no occasion why any such Person should be taken into the Army, unless it were to increase the Charge,

or for some ill purpose.

The same day Sir Henry Capel attended the Lords, with the Articles of Impeachment against the Lord-Treasurer.

Sir Henry Ca-

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The 28th, what passed between the Lords and Commons Anno 30Car. II. at a Conference on the Amendments added by the First on the Bill for a Supply, was reported to this purpose by Mr. Powle.

That the Conference was manag'd by the Lord Privy- Mr. Powle's Seal, who declar'd it was principally defir'd with regard to Report of the three Points, viz. That of the Receiver-General; That of Conference, on the Place for lodging the Money; and, That for indemnify- rejecting the ing for the Breach of the former Act, and the Penalty for &c. offending against this.

1. That their Lordships insist on their Amendment with regard to the Appointment of a Receiver-General; because

the Money is to be paid into the Exchequer

2. That the most expeditious way to nominate a Receiver-General, is to leave it to his Majesty; who, having the higheff Truft, is most concern'd, that the Army fliould be speedily and effectually disbanded.

2. That we conceive it tends more to Certainty and Expedition, to leave his Majesty to make use of such Officers

as are now in being, than to feek new.

The Reasons of our infifting to have the Money paid into

the Exchequer, are,

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1. Because the Exchequer is an ancient Court, established both by common Law and Statute for all Receipts of his Majesty's Money, and managing Matters relating to the Re-

2. That finding it inconvenient and grievous to the Subject, that his Majesty's Revenues of all forts should not be paid into the Exchequer, divers Laws have been made to

enforce the Payment of all Money there.

3. That in case of Injuries to the Subject, this Act provides no Redress, in case the Money should be paid into the Chamber of London: Whereas, by Law, every Subject injur'd in his Payment, is to have Remedy before the Barons.

4. That their Lordships cannot suspect that any Person employ'd in disbanding the Army would mit-employ the Money which is appropriated for that purpose, under such levere Penalties, and to be dispos'd of by Commissioners appointed by the House of Commons.

5. That the Act provides no Security for the Money, if lodg'd in the Chamber of London; nor any Remedy against

the Chamberlain, in case of Breach of Trust.

6. That the not disbanding the Army last Year, according to the Bill for that end, was not owing to any Fault in the Exchequer, but the Necessity of Affairs; as his Majesty signified to both Houses at the Opening of the Session.

7. The Army was continued, which occasioned the Clause of Indemnity to all those that have since continued in Arms; 1678.

no to Car.II. and this is not only a reason for our Amendments, but an Answer to the first Reason of the House of Commons upon this Point.

8. That their Lordships cannot charge their Memories with not having alter'd any such Disposition made in a Supply. But that, nevertheless, their Lordships do herein but claim the Exercise of their Right, to make Alterations according to their Judgments.

The 9th Article being unintelligible, is omitted.

To the Reasons concerning Colonel Birch, the Lords

agree.

The Lords infift upon their Amendments, against the following Reasons offer'd by the Commons: Because they conceive the effectual disbanding the Army is fecur'd, as they have amended the Bill. As the Commons fent it up, it would have invaded the King's declar'd Power, to have rais'd or employ'd the Army on any other Emergency; it would have difabled him from filling up the Guards and standing Troops, and furnishing the Islands out of the Forces so disbanded; which is likewise a main reason why the Lords could not consent to make the Penalty of Felony so extensive, as to reach any fo employ'd.

And we do infift on leaving out the Preamble to the Clause of Indemnity, because of the Necessity there was for the Army's Continuance; and for the same reason we infift

on the Word such, &c.

That, concerning the Indemnity being limited by the Commons to Officers and Soldiers, the Lords thought fit to enlarge it to all other Persons; and being a Work of Mercy, and no Officer impeach'd or question'd for Breach of the former Act; and for the same reason they insisted on their two last Amendments.

Diffatisfactory to the Commons,

The Question was then put, to agree to these Amendments, and passed in the Negative without a Division: After which other Reasons were appointed to be drawn up, and another Conference was defired. But, on the 30th, the King commanded their Attendance in the House of Peers; where, he put an end to the Selfion, with a Speech to the following effect.

The King's Speech at proroguing the Parliament.

Hat it was with great unwillingness that he came to tell them, that he intended to prorogue them; that all of them were Witnesses he had not been well used, the Particulars of which he would acquaint them with at a more feafonable time. In the mean time he would immediately enter upon the disbanding the Army, and do what good he could for the Kingdom, and Safety of Religion; and that he would profecute the Discovery

of the Popish Plot, to find out the Instruments of it, and Anno 30 Car. II. to take all the Care that was in his power to fecure the Protestant Religion, as it was now by Law established. And accordingly his Majesty was pleased to prorogue the Parliament till the 4th Day of February next. And thus ended the Eighteenth and last Session of the Second and long Parliament, after it had continued the Space of two Months and nine Days.

On the 24th of January, his Majesty issu'd out a Pro-clamation, in which he declared,

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'That he had taken into his ferious Confideration, the A Proclamamany Inconveniencies arising by the over-long Continuance tion, to dissolve of one and the same Parliament; wherefore he publishes the Parliament. and declares his Royal Will and Pleafure to diffolve this present Parliament. But to the Intent his Majesty's loyal Subjects may perceive the Confidence his Majesty hath in their good Affections, and how willing and defirous his Majesty is to meet his People, and have their Advice by their Representatives in Parliament, he will cause Writs in due Form of Law, to be forthwith iffued for the calling of a new Parliament, which shall begin and be 6 holden at Westminster, on Thursday the sixth Day of ' March next; when his Majesty doth expect such Laws will be enacted, and fuch Order taken, by the Confent and Advice of his Parliament, as will tend to the securing ' the true Protestant Religion, and the peaceable and happy 'Government of this his Kingdom.'

On Thursday the 6th of March, the Parliament met; The third Parand the King open'd the Session with the following Speech liament, 1678-9. to both Houses:

' My Lords and Gentlemen, Meet you here with the most earnest Desire that Man The King's 1 can have, to unite the Minds of all my Subjects, both Speech to both to me, and to one another: And I resolve it shall be your Houses. ' Faults, if the Success be not suitable to my Desires. have done many great Things already in order to that end, as the Exclusion of the Pop sh Lords from their Seats in Parliament; the Execution of several Men, both upon the score of the Plot, and the Murder of Sir Edmundbury Godfrey; and it is apparent, that I have not been 'idle in profecuting the Discovery of both, as much farther as hath been possible in so short a Time. I have disbanded as much of the Army as I could get Money to do; and I am ready to disband the rest so soon as you shall reimburse me the Money they have cost me, ' and will enable me to pay off the Remainder: And above 'all, I have commanded my Brother to absent himself from Sf2

1678-9.

Anno 31 Car.II. ' me, because I would not leave malicious Men room to say, I had not removed all Causes which could be pretended to

influence me towards Popish Counsels.

Besides that end of Union which I aim at (and which I could wish could be extended to Protestants abroad as well as at home) I propose by this last great Step I have made, to discern whether the Protestant Religion, and the Peace of the Kingdom be as truly intended by others, as they are real-Iy aimed at by me: For, if they be, you will employ your Time upon the great Concerns of the Nation, and not be drawn to promote private Animolities, under the Pretences of the Public: Your Proceedings will be calm and peaceable, in order to those good Ends I have recommended to you; and you will curb the Motions of any unruly Spirits, which would endeavour to disturb them.

I hope there will be none fuch among you, because there can be no Man that must not see, how fatal Differences amongst ourselves are like to be at this Time, both at home and abroad. I shall not cease my Endeavours, daily to find out what more I can, both of the Plot, and the Murder of Sir Edmund-bury Godfrey, and shall defire the Affistance of both my Houses in the Work. I have not been wanting in giving Orders for putting all the present Laws in Execution against Papists; and I am ready to join in the making such farther Laws, as may be necessary for

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fecuring the Kingdom against Popery.

' I must desire your Assistance also in the Supplies, both for disbanding the Army, as I have already told you, and for paying that part of the Fleet, which hath been provided for by Parliament but till the fifth of June last; as also that Debt for Stores, which was occasioned by the Poll-Bill's falling short of that Sum, which that A& gave Credit for. I must necessarily recommend to you likewise, the discharging of those Anticipations which are upon my Revenue, and which I have commanded to be laid before you; and I hope I shall have just cause to desire such an Increase of the Revenue itself, as might make it equal to my necessary Expences; but by reason of those other Supplies, which are absolutely necessary at this Time, I am contented to struggle with that Difficulty a while longer; expecting for the present only, to have those additional Duties upon Customs and Excise to be prolonged to me; and that you will some other way make up the Loss I sustain by the Prohibition of French Wines and Brandy, which turns only to my Prejudice, and to the great ' Advantage of the French. I must needs put you in mind how necessary it will be to have a good Strength at Sea, e next Summer, fince our Neighbours are making naval Preparations: and notwithstanding the great Difficulties I Anno 31 Car.IL labour under, I have taken such Care as will prevent any Danger that can threaten us, if your Parts be performed in time. And I do heartily recommend to you, that fuch a constant Establishment might be made for the Navy, as

might make the Kingdom not only fafe, but formidable; which can never be, whilft there remains not enough be-

fides, to pay the necessary Charges of the Crown.

'I will conclude as I begun, with my earnest Desires to have this a HEALING PARLIAMENT; and I do give you this Affurance that I will with my Life defend both the Protestant Religion, and the Laws of this Kingdom, and I do expect from you to be defended from the Calum-'ny, as well as the Danger of those worst of Men, who endeavour to render me, and my Government, odious to my People The rest I leave to the Lord Chancel-· lor.

Accordingly the Lord Chancellor Finch, after a hand-

fome Introduction, proceeded thus:

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'The Confiderations which are now to be laid before you, Chancellor are as urgent and as weighty as were ever yet offered to any Parliament, or indeed ever can be; so great, and so surprizing have been our Dangers at home, so formidable are the Appearances of Danger from abroad, that the most united Councils, the most sedate and calmest Temper, together with the most dutiful and zealous Affections that a Parliament can shew, are all become absolutely and indispensably necessary for our Preservation. At home, we had need look about us: For his Majesty's Royal Person hath been in danger, by a Conspiracy against his facred Life, maliciously contrived, and industriously carried on, by those Seminary-Priests and Jesuits, and their Adherents, who think themfelves under some Obligations of Conscience to effect it; and, having vowed the Subversion of the true Religion amongst us, find no way fo likely to compass it, as to wound us in the Head, and to kill the Defender of the Faith His Majesty wanted not sufficient Evidence of his Zeal for our Religion, without this Tellimony from his Enemies, who were about to facrifice him for it: But it hath ever been the Practice of those Votaries, first to murder the Fame of Princes, and then their Persons; first to slander them to their People, as if they favoured Papists, and then to assassinate them for being too zealous Protestants. And thus, by all the Ways and Means which our Law calls Treason, and their Divinity calls Merit and Martyrdom, they are trying to fet up the Domipion and the Supremacy of the Pope, as if the Dignity of his triple Crown could never be functiently advanced, unless

Finch's Speech,

me of Car. II. these three Kingdoms were added unto him, and all brought back again under that Yoke, which neither we, nor our

Fore-fathers, were able to bear.

The Enquiry into this Conspiracy hath been closely purfued, and the Lords of the Council have been careful to profecute the Discovery, ever fince the rising of the last Parliament, and the King doth now recommend it to you to perfect. More Evidence hath been already found out, and more Malefactors discovered, some in hold, some fled; the Justices of the Peace have been quickened in the Execution of their Duty, the Negligent have been reproved and punished, the Diligent encouraged, and affifted, in doubtful Cases by the Judges; active and faithful Messengers have been fent into all the Corners of the Kingdom, where there was any hopes of Service to be done; the very Prisons have been fearched, to fee whether any had fled thither to hide themselves there, and, under pretence of Debt, to escape the Pursuit; and if any have defired leave to go beyond Sea, they have first given Security not to go to Rome, nor send their Children to any foreign Seminaries; and then they have been obliged to give in a List of all their menial Servants, and those Servants too have been examined upon Oath: And Order is given that they be again examined at the Ports, and make Oath they are the same Persons who were examined above: So that all possible Care hath been taken that no Malefactors might escape us in disguise. And tho' the Priests themselves do not keep the Confessions of their Profelytes more fecret than these keep the Injunctions of their Priests, yet enough hath appeared to bring some capital Offenders to public Justice, and to convict them of the Crime: some of the Traitors have been executed; several Priests have been arrested and imprisoned; all are hiding themselves, and lurking in secret Corners, like the Sons of Darkness. The Murderers of Sir Edmund-bury Godfrey have been condemned and fuffer'd Death: Some Papifts have banished themselves out of the Kingdom, others are imprifoned for not taking the Oaths: All are profecuted towards Conviction; and the very Shame and Reproach, which attends fuch abominable Practices, hath covered fo many Faces with new and strange Confusions, that it hath proved a powerful Argument for their Conversions: Nor is it to be wonder'd at, that they could no longer believe all that to be Gospel which their Priests taught them, when they saw the Way and Means of introducing it was fo far from being evangelical. In a word, fo universal is that Despair to which the Papists are now reduced, that they have no other Hope left but this, that we may chance to over-do our own buliness; and by being too far transported with the Fears of Popery,

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Popery, neglect the Opportunities we now have of making Anno arCar. II. fober and lafting Provisions against it. And 'tis not to be doubted but that it would infinitely gratify the Papifts in the Revenge they wish, for this Discovery, if they could see us diffracted with Jealousies incurable, and diffrusting the Government to fuch a Degree, as should weaken all that Reverence by which it stands: For then the Plot would not be altogether without Effect; but those whom they could not destroy by their Conspiracy, they should have the Satisfaction to fee ruining themselves after the Discovery: So that, tho' we had escaped that Desolation which they intended to have brought upon us, nothing could fave us from that De-Aruction which we shall bring upon ourselves. But their Expectations of this are as vain, as their other Defigns were wicked: For his Majesty hath already begun to let them see with what Severity he intends to proceed against them. He hath passed a Law to disable all the Nobility and Gentry of that Faction ever to fit in Parliament; and not content with that, he did offer to the last Parliament, and does again renew the same Offer to this Parliament, to pass any farther Laws against Popery which shall be defired: So as the same extend not to the Diminution of his own Prerogative, nor alter the Descent of the Crown in the right Line, nor defeat the Succession. He hath refused the Petition of the Lords. who, during the Interval of Parliament, defired to be brought to their Trial; and, after so long an Imprisonment, might reasonably enough have expected it. But his Majesty thought it fitter to referve them to a more public and conspicuous Trial in Parliament: For which Cause their Trial ought now to be haftned; for it is high time there should be some Period put to the Imprisonment of the Lords.

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But that which the King hath been pleased to mention to you this Morning, surpasses all the rest, and is sufficient of itself alone to discharge all those Fears of Popish Influences, which many good Men had too far entertained: For now you see his Majesty, of his own accord, hath done that, which would have been very difficult for you to ask; and hath deprived himself of the Conversation of his Royal and only Brother, by commanding him to depart the Kingdom; to which Command his Royal Highness hath paid a humble and a most entire Submission and Obedience. This Separation was attended with a more than ordinary Sorrow, on both But he, that, for your Sakes, could part with such a Brother, and fuch a Friend, you may be fure, hath now no Favourite but his People. Since therefore his Majesty hath shewn so much Readiness to concur with, and in a manner to prevent the Defires of his Parliament, it is a miserable Refuge our Enemies must trust to, when they hope to see our Zeal o st-run

1678-9.

Anno 31 Car.II. 1678-9.

our Diferetion, and that we ourselves shall become the unhanpy Occasion of making our own Counsels abortive. Not only the Care of the State, but the Care we ought to have of the Church too, will preserve us from Errors of this kind: For as there neither is, nor hath been these fifteen hundred Years, a purer Church than ours; fo it is for the fake of this Church alone, that the State hath been fo much diffurbed. It is her Truth and Peace, her Decency and Order, which they labour to undermine, and pursue with so restless a Malice: And fince they do fo, it will be necessary for us to distinguish between Popish and other Recusants, between them that would destroy the whole Flock, and them that only wander from it. And among the many good Laws you shall think fit to provide, it may not be amiss to think of some better Remedy for regulating the Press, from whence there daily steal forth Popish Catechisms, Psalters, and Books of Controversy: And it may be another good Fruit of such Law, to hinder schismatical and seditious Libels too; for certainly it were much better for us to make fuch Laws as will prevent Offences, rather than fuch as ferve only to punish the Offenders.' Then, infifting upon the Reasonableness of a Supply, from the Dangers abroad, and the Necessities at home, he proceeded thus:

' My Lords and Gentlemen, There are many Things to do, and fo little Time to do them in, that there ought not to be one Minute loft. The Season of the Year is not yet so far advanced, as to make it too late to fet out a Fleet this Summer; for most of the Preparations are ready, if we go about it with that Diligence which is requifite. And therefore it doth infinitely import us all to husband Time. best Way of doing this will be, to avoid all long and tedious Confultations, which fometimes do as much harm as ill Refolutions: And, above all, to take heed to avoid fuch Questions and Debates as tend to raise Heat, or may create any kind of Disturbance. Nor doth any thing in the World so much contribute to Dispatch as quiet and orderly Proceedings: For they who are in hafte, and attempt to do all their Business at once, most commonly hinder themselves from bringing any thing to Perfection. You have now an Opportunity of doing great Things for the King and Kingdom; and it deserves your utmost Care to make a right Use of it: For it is not in the power of a Parliament to recover a lost Opportunity, or to restore themselves again to the same Circumstances, or the same Condition, which they once had a Power to have improved. Would you fecure Religion at home, and strengthen it abroad, by uniting the Interest of all the Protestants in Europe? This is the Time. Would you let the Christian World see the King in a Condition able

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to protect those who shall adhere to him, or depend upon Auno 21 Car. 11. him? This is the Time. Would you extinguish all your Fears and Jealousies? Would you lay aside all private Animolities, and give them up to the Quiet and Repose of the Public? This is the Time. Would you lay the Foundation of a lasting Peace, and secure the Church and State against all the future Machinations of our Enemies? THIS IS THE TIME.

' My Lords and Gentlemen, The present Face of Things, and the State wherein we now are, is so well known and understood abroad, that the whole World is in great Expectations of those Resolutions which shall be taken here: The Refults of this Council feem to be decifive of the Fate of these Kingdoms for many Ages, and are like to determine us either to Happiness or Misery of a very long Duration. We use to say, and say truly, That the King, when feated in Parliament, is then in the fulness of his Majesty and Power, and thines forth with the brightest Lustre. Let no Exhalation from beneath darken or obscure it! Foreign Nations fay, and fay truly, that a King of England, in conjunction with his Parliament, is as great and dreadful a Prince as any in Europe: Shew them the Sight they are afraid of! And fince they have laid it down for a Maxim in their Politics, That England can never be destroyed but by itself; and that it is in vain to make any Attempts upon this Nation, until they be in some great Disorder and Confusion among themselves; make the Ambitious despair betimes, and establish so perfect an Intelligence between all the Parts of this great Body, that there may be but one Heart, and one Soul among us. And let us all pray, That he who hath once more miraculously delivered the King, the Church and the State, would be pleased still to continue his divine Protection, and give us thankful and obedient Hearts. And when we have offered up those Hearts to God, let us, in the next place, offer them again to the King, and lay them down at the Footstool of his Throne, that so the King may fee himself safe in your Councils, rich in your Affections, victorious by your Arms, and raised to such a Height by your Loyalty and Courage, that you may have the Houour of making him the greatest King, and he the Glory of making you the happiest People.

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TOME I.

In conclusion, by the King's Commands, he ordered the House of Commons to proceed to the Choice of a Speaker, who was to be presented to the King the next Day; and being returned to their House, Colonel Birch did nominate and recommend the Right Honourable Edward Mr. Seymour Seymour, Knight of the Shire for the County of Devon, chosen Speaker. Treasurer of the Navy, one of his Majesty's most Ho-

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nourable

Anno 31 Car. II. nourable Privy-Council, and Speaker of the last Par. 1678-9. liament; being a Person acceptable to the King, and one who for his great Integrity, Ability, and long Experience in the Employment, was the fittest Person for so great a Truft. And Mr. Seymour being unanimously called upon to the Chair, was conducted thither by Sir Thomas Lee, Sir Thomas Whitmore, and divers other Members; and being there placed, he made a gratulatory Speech to the House for their great Kindness and Affection towards him. in their unanimous Choice of him: But still he defired the House that they would proceed to a new Election, 'For the long fittings of the late Parliament had so impaired his Health, that he doubted he should not be so well able to undergo the Service of the House, as would be expected from him.' But the House, not admitting of any Excuse, confirmed their Choice; upon which he defired Leave, 'That he might intercede with his Majesty, that he would be

pleased to discharge him of the Duty.

The King refuses him.

Sir John Ernley by the King's Order recommends Sir Thomas Meers.

Debates upon it.

Mr. Sacheverel.

But it appears, that he needed not have been fo urgent; for the King and the Earl of Danby, taking this Choice to be an ill Presage, that this Parliament would begin where the last ended, were resolved not to approve of it: And as soon as he appeared to be presented, the Lord Chancellor stood up, and faid, 'That if his Majesty should always accept a Person pitch'd upon by the House of Commons, then it would be ono great Favour to be chosen a Speaker; and therefore his Majetty, being the best Judge of Persons and Things, thought fit to except against Mr. Seymour, as being fitly ' qualified for other Services and Employments, without giving any Reason to the Persons chusing or the Person cho-' Ien.' And therefore he ordered them to fix upon some other Person by to-morrow Morning, to be presented to the King for his Approbation. The Commons immediately returned back to their own House, where * Sir John Ernley stood up and acquainted them, 'He had Orders from his Majesty to recommend Sir Thomas Meers to them to be their Speaker, as a Person well known in the Method and Practice of Parliaments, and a Person that he thought would be very acceptable and serviceable to them.' But the House in a great Heat cried out, No, no! and fell into a warm Debate. In which feveral Gentlemen spoke as follows:

' It was never known that a Person should be excepted against, and no Reason at all given. It is done to gratify tome particular Person; for Mr. Seymour is a Man who perform'd that Service formerly without Complaint; and as he would not confent to the Prejudice of one Hair of the Crown or Prerogative, so he will not infringe the Liberty of the People, in parting with the least of their just Rights."

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^{*} Chancellor of the Exchequer,

This feems to be a Question of Right: For above a Anno ar Car. II. Hundred Years paft, it has not been known that any Speaker, presented to the Kings or Queens of England, was ever excepted against, without some Reason given, or for some Mr. Williams, great Cause: And the Thing itself of presenting him to the King, is, I humbly conceive, but a bare Compliment. If we fuffer this, we shall be put upon daily. Let us adjourn

for the prefent.'

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There were Parliaments long before there were Speakers Sir Thomas chosen; and afterwards, for the Ease of the House, among Clarges. themselves they pitched upon a Speaker. Beside, I can prove not long fince, that Parliaments have adjourned themselves de Die in Diem, for fourteen Days together, without any Speaker among them, and the Clerk of the House always put the Word for Adjournment. Gentlemen, all our Lives and Liberties are to be preferv'd by this House; and there-

fore, we are to preferve the Liberties of it.'

' If you admit this, you would admit any Thing. If Mr. Mr. Garraway. Seymour be rejected from being Speaker, and no Reason given, pray who must chuse the Speaker, the King or us? It is plain, not us. I remember when Popham was chosen Speaker, he was rejected: But the Reason was given; because he had been wounded; and was fickly; and another for not being able to endure, by reason of Disability of Body: But nothing of this can be objected against Mr. Seymour; he being an approv'd Person by his Majesty the last Parliament.

'I cannot forget how we addressed ourselves to his Ma- Sir Thomas jefty, as fearing his Person to be in danger, by reason of Lee. the Plots; but we receiv'd no Answer at all for a whole Week, from Monday to Monday, when we were immediately prorogued unexpectedly; and immediately after, diffolv'd as unexpectedly; and I suppose the same Persons who To except against a gave that Advice, gave this also. Speaker, without giving a Reason, is to do a Thing that may fet us together by the Ears, and then they have their design'd End. But I shall not consent to part with the least Right that belongs to my Country, for which I am chosen a Representative.

He that advis'd this, will readily advise more, I'll war- Colonel Birch This is only a Bone cast among us. I thought we could not have oblig'd his Majesty more, than to pitch upon a Privy-Counfellor, and one in so great Favour with his Majesty, and in several great Places and Employments Beside, he was yesterday at Whitehall, after we had chose him Speaker, to acquaint his Majesty with it, and then his Majesty was very well pleas'd with the Choice; and, for the Truth of this, I appeal to Mr. Seymour himself.

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Anno 31 Car. II. But this ill Advice is given fince, by fome, I fear, too near the King. I shall not touch upon Prerogative. But let us think of Adjournment for the present.'

Mr. Powle.

'This is an ominous Thing, to stumble at the Threshold, before we are in the House. But this ill Advice must proceed from some who are too near the King, and fearful we should agree. But I hope there is no Man here, a Reprefentative of his Country, fearful of speaking his Mind freely, in favour of those whom he represents; nor yet afraid of being dissolv'd, if it be To-morrow, for maintaining the Right of those who chuse them to sit here for them. I will not invade Prerogative, neither will I give Confent to the Infringement of the least Liberty of my Country. But let us do nothing haftily: but confider Precedents, and adjourn

ourselves till To-morrow Nine o'clock.'

The House applies to the King.

These Heats were so much the greater, because they rea-fonably supposed that it was all occasioned by the Earl of Danby, whose Power was not wholly at an end; and between whom and Mr. Seymour there was a particular Refentment. However, the first Thing resolved on the next Day, being Saturday, was, ' That an humble Application be made to the King, to acquaint his Majesty, that the Matter yesterday delivered by the Lord Chancellor, relating to the Speaker, is of so great Importance, that this House cannot immediately come to a Resolution therein: And therefore do humbly defire his Majesty, that he will graciously be pleased, to grant some farther Time for this House to take it into Consideration. And they ordered the Chancellor of the Dutchy, the Lord Cavendish, the Lord Russel, and Sir Henry Capel, immediately to attend his Majesty with this Vote. Being returned in a short Time, the Lord Russel acquainted the House, that they had attended his Majesty, who was sitting in Council; and that his Majefty, as foon as he was informed they were to wait upon him from the House, immediately came out, and received them with great Chearfulness and Kindness: And having delivered their Message, his Majesty retired to the Council-Chamber, and coming out again, was pleased to return the following Answer by Word of Mouth, which they had reduced to Writing:

Gentlemen,

His Answer.

T Have confidered of your Message, and do consent to a farther Time, which I appoint to be on Tuesday next, unless you shall find some Expedient in the mean time; for as I would not have my Prerogative intrenched upon, · fo I would not do any thing against the Privileges of the · House.

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Upon the said Tuesday, they drew up this humble Re- Anno 31Car. II.

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We your Majesty's most dutiful and loyal Subjects, the Commons in this present Parliament assembled, do with all The Commons Obedience return your Majesty most hearry Thanks for the Representation. favourable Reception, and gracious Answer your Majesty was pleased to return to our late Message; wherein your Majesty was pleased, not only to allow us longer Time, to deliberate of what was delivered to us by the Lord Chancellor, relating to the Choice of a Speaker, but likewise to express so great a Care not to infringe our Privileges. And we defire your Majesty to believe, no Subjects ever had a more tender Regard, than ourselves, to the Rights of your Majesty, and your Royal Prerogarive; which we shall always acknowledge to be vested in the Crown, for the Benefit and Protection of your People. And therefore for the clearing all Doubts that may arise in your Royal Mind, upon this Occasion now before us, we crave Leave humbly to represent unto your Majesty, that it is the undoubted Right of the Commons to have the free Election of one of their Members, to be their Speaker, and to perform the Service of the House: And that the Speaker, so elected and presented according to Custom, hath, by the constant Practice of all former Ages, been continued Speaker and executed that Employment, unless such Persons have been excused for some corporal Disease, which has been alledged, either by themselves, or some others in their Behalf, in full Parliament. According to this Usage, Mr. Edward Seymour was unanimously chosen, upon the Consideration of his great Ability and Sufficiency for that Place, of which we had large Experience in the last Parliament, and was presented by us to your Majesty, as a Person we conceived would be most acceptable to your Majesty's Royal Judgment. This being the true State of the Case, we do in all Humility lay it before your Majesty's View; hoping that your Majesty, upon due Confideration of former Precedents, will rest satisfied with our Proceedings, and will not think fit to deprive us of o necessary a Member, by employing him in any other Service; but to give us fuch a gracious Answer, as your Majely, and your Royal Predecessors have always done heretoore upon the like Occasions; that so we may, without more of of Time, proceed to the Dispatch of those important Affairs, for which we were called hither: Wherein we doubt not but we shall so behave ourselves, as to give an ample Testimony to the whole World, of our Duty and Affection to your Majesty's Service, and of our Care of the Peace and Prosperity of your Kingdoms.

Anno 31 Car. II. 1678 9.

To this Representation the King immediately gave this fhort Answer.

Gentlemen,

The King's Answer.

All this is but loss of time; and therefore I defire you to go back again, and do as I have directed you.

This giving no fatisfaction to the House, the next day, March 12th, the Commons, after a warm Debate, drew up the following Address:

The Commons Address.

Most gracious Sovereign, Whereas by the gracious Answer your Majesty was pleased to give to our first Message in Council, whereby your Majesty was pleased to declare a Resolution, not to infringe our just Rights and Privileges, we, your Majesty's most dutiful and loyal Commons, were encouraged to make an humble Representation to your Majesty upon the Choice of our Speaker, which on Tuesday last was presented by some of our Members: We do, with great trouble and infinite forrow, find by the Report made to us by those Members, at their Return, that your Majesty was pleased to give us an immediate Answer to the same, without taking any farther confideration; which, we are persuaded, if your Majesty had done, what we then offered to your Majesty would is far have prevailed upon your royal Judgment, as to have given your Majesty satisfaction in the Reasonabseness of our Desire; and preserved us in your Majesty's favourable Opinion of our Proceedings. And fince we do humbly conceive, that the Occasion of this Question hath arisen from your Majesty's not being truly informed of the State of the Case; we humbly befeech your Majesty, to take the said Representation into your farther consideration, and give us fuch a gracious Answer, that we may be put in a capacity to manifest our Readiness, to enter into those Consultations, which necessarily tend to the Preservation and Welfare of your Majetty and your Kingdoms."

Upon reading this Address to the King, he immediately gave this quick and sharp Return; 'Gentlemen, I will send you an Answer to morrow.' Accordingly, as be had often done before upon great Difficulties, he refolved to put an end to the Dispute; and on the next Morning, being Thursday the 13th of March, he came to the House of Peers, and fending for the Commons, he immediately prorogued the Parliament till the Saturday following, after the Commons had fat without a Speaker but fix Days. And thus the King found a way to gain his Point, but with very little ad-

vantage to his own Bufmels and Affairs.

On the appointed Day, March 15th, his Majesty came to the House of Peers in his Royal Robes, and the House

The King prorogues the Parliament.

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of Commons attending, his Majesty was pleased to put both Anno arCar.It. Houses in mind of what he said to them, at the Opening of the Parliament: And then the Lord Chancellor, by the King's Command, directed the Commons to return to their House, and to proceed to the Choice of a Speaker. And, being returned, the Lord Ruffel put the House in mind of the King's Commands, and immediately recommended William Gregory Serjeant at Law, as a Person for his great Learning and Integrity, fit for the Employment. And. Mr. Serjeant Gregory being unanimoully called upon to the Serjeant Gre-Chair, he in a short Speech modestly excused himself, and de- gory chosen fired of the House, that another might be nominated; but no Speaker. Excuse being admitted, he was formally conducted to the Chair, by his two intimate Friends, the Lord Russel and the Lord Cavendish, and there confirmed in the Place.

On the Monday following, he was presented by the Commons to the King, in the House of Lords, who without he-

fitation approved of the Choice.

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The House of Commons appeared resolved, to pursue the latter Measures taken in the former Parliament, and therefore on Wednesday the 19th of March, They resolved. 'That a Committee be appointed to inspect the Journals of the last Session of the last Parliament, and to prepare and draw up a State of the Matters then depending, and undetermined, and the Progress that was made therein.

And on the next day, they Refolved, That a Committee A Comittee of of Secrecy be appointed to take Informations, and prepare Secrecy appoint-Evidence, and draw up Articles against the Lords that are ed. impeached, and that are now in the Tower, and to take such farther Informations as shall be given, relating to the Plot and Conspiracy against his Majesty and the Government, and the Murder of Sir Edmund-bury Godfrey. And remind the then, to be yet more particular, they immediately after Re- Lords, of the folved, that a Message be sent to the Lords to put them in Impeachments mind of the Impeachment of High-Treason, exhibited against against the Earl Thomas Earl of Danby, in the Names of the Commons of of Danby. England; and to defire that he may be committed to fafe Cultody: Resolving again, that it be referred to the Committee of Secrecy, to draw up farther Articles against him. However, the Letters produced against the Earl being written by the King's particular Command, and some private Papers being necessary for his Defence, which his Majesty would not fuffer to be made public; he at last resolved to

might allay the Storm, thought fit to withdraw. And that nothing might be wanting to profecute the Plot, the Murder, and this Nobleman, all countenance was given to the Plot-Discoverers; and on the 21st of March, Dr.

adhere to the Benefit of his Pardon, and hoping his Absence

1678-9.

Anno 13 Car. II. Tongue and Mr. Oates were called before the Commons, to give in their Informations concerning the Plot, &c. and the latter gave in an Information, not only against Thomas Earl of Danby, but also against Sir John Robinson, Colonel Edward Sackville, and Captain Henry Goreing, all three Members of the House of Commons: Which raised a new Flame in that place.

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Oates and Bedloe's Informations.

On the same day, Bedloe likewise delivered in his Information; upon which the House Resolved, That an humble Address be made to his Majesty, That the five hundred Pounds Reward, promised by his Proclamation, for the Dif. covery of the Murder of Sir Edmund-bury Godfrey, may be forthwith paid to Mr. Bedloe, who, this House is satisfied to be the first Discoverer thereof: And that his Majesty would farther be pleased to order, that the twenty Pounds Reward, for the Discovery of every Priest, may be effectually paid to the Discoverers of them.

At the same time, in another Address, they defired his Majesty, That the Care of Mr. Bedloe's Safety may be immediately recommended to his Grace the Duke of Monmouth, which was carried up by the Lord Cavendish, Sir Henry Capell, Mr. Booth, Mr. Powle, Sir Robert Carr,

Sir John Ernley, and Sir William Portman.

The King's Answer.

The King gave a present Answer. 'That he would take immediate care for the Payment of the five hundred Pounds, and the twenty Pounds they de-' fired: That he had hitherto taken all the care he could of Mr. Bedloe, and that he knew how confiderable his Evidence was, and that he would fee hereafter, that he should want for nothing: And that he would be responsible for ' him, whilft he remained in Whitehall; but that he could onot be answerable for him when he went abroad."

Besides these, there appear'd one Mr. Edmund Everard, a Scotch Gentleman, who had been four Years Prisoner in the Tower, who, as Mr. Echard phrases it, making some old Discoveries, was encouraged, as Oates before him, to put the whole into a formal Narrative.

The Plot voted to be real.

Upon the whole, they came to this unanimous grand Refolve, fomething like that in the last Parliament, viz. 'The House doth declare, that they are fully satisfied by the Proofs they have heard, that there now is, and, for diver Years last paft, hath been, a horrid and treasonable Plot and Conspiracy, contrived and carried on by those of the Popish Religion, for the murdering his Majesty's sacred Person, and for subverting the Protestant Religion, and the ancient and wellestablished Government of this Kingdom.' To this Vote they defired the Concurrence of the Lords, as they likewife,

did to a particular Address to his Majesty for appointing a Anno accarate folemn Day of Humiliation; ' being deeply sensible of the fad and calamitous Condition of your Majesty's Kingdom, occasioned chiefly by impious and malicious Conspiracies of An Address for a Popish Party, who have not only plotted and intended the a Fast, Destruction of your Majesty's Royal Person, but the total Subversion of the Government, and true Religion established among us."

Afterwards they express themselves thus:

That we may, by Fasting and Prayer, and with humble and penitent Hearts, feek Reconciliation with Almighty God, and implore him by his Power and Goodness, to infatuate and defeat the wicked Counsels and Imaginations of our Enemies, and continue his Mercies and the Light of his Gospel to us and our Posterities; and particularly, to beflow his abundant Bleffings upon your facred Majesty, and this present Parliament, &c.

Accordingly his Majesty commanded a general and Ageneral Fat public Fast, to be kept throughout the Kingdom on the proclaimed. 11th of April, beginning his Proclamation for it, as he generally did upon fuch an Occasion, with mentioning and alledging the Defire of the Lords and Commons in Parlia-

ment assembled."

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During this Height of Zeal, the Commons, on March 22d, ordered a Bill to be brought in, to secure the King and Kingdom against the Danger and Growth of Popery. And being commanded, at the same time, to attend his Majesty in the House of Peers, the King spoke to them in favour of the Earl of Danby: but returning to their House, they presently Resolved,

'That a Melfage be immediately sent to the Lords, to A Melfage remind their Lordships of the last Message sent them from against Lord this House, relating to Thomas Earl of Danby; and to de-Danby.

mand that he may be forthwith sequestred from Parliament, and committed to fafe Custody."

Upon which extraordinary Request, the Lords defired a present Conference: But the Commons returned answer, 'That it was not agreeable to the Usage and Proceedings of Parliament, for either House to send for a Conference, without expressing the subject Matter of it.'

Upon a fecond Message, wherein the Earl of Danby was mentioned, they met the Lords in the Painted-Chamber,

where the Duke of Monmouth spoke as follows:

' I am commanded by the Lords to acquaint you, that A Conference their Lordships, having taken into their Consideration Mat-about hims ters relating to the Earl of Danby, together with what his Majesty was pleased to say upon that Subject, have ordered that a Bill be brought in, by which Thomas Earl of Danby TOME I.

1679-

then 31 Car. II. may be made for ever incapable of coming into his Majeffy's Presence, and of all Offices and Employments, and of receiving any Gifts or Grants from the Crown, and of fitting in the House of Peers.

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In the mean time, the Commons, hearing that the King had figned a Pardon for the Earl, appointed a Committee to repair to the several Offices, (at neither of which no Entry of it had been made) and particularly to the Lord-Chancellor, to enquire into the Manner of fuing out that Pardon.

The Lord Chancellor's Account of the Pardon granted that Lord.

Whereupon the Lord-Chancellor, (after premiting, that he neither advis'd, drew, or alter'd it) informed the Committee, ' That the Pardon was passed with the utmost Privacy, at the Defire of the Earl, who gave this Reason for it, That he did not intend to make use of it, but to stand upon his Innocence, except false Witnesses should be produced against him; and then he would make use of it at the last Extremity. That he advised the Earl to let the Pardon pass in the regular Course; but, after consulting with the King, his Majesty declared he was resolved to let it pass with, allprivacy: And, suddenly after, the King commanded the Lord-Chancellor to bring the Seal from Whitehall, and, being there, he laid it upon the Table; thereupon his Majesty commanded the Seal to be taken out of the Bag, which his Lordship was obliged to submit unto, it not being in his power to hinder it; and the King wrote his Name upon the Top of the Parchment, and then directed to have it sealed: whereupon the Person that usually carried the Purse, affixed the Seal to it.' The Chancellor added, ' That, at the very Time of affixing the Seal to the Parchment, he did not look upon himself to have the Custody of the Seal.

Upon reading this Report, the House fell into a violent Heat and Debate; and of those that spoke, we must not omit Mr. Powle's fevere Speech, who naming the Earl of

Danby, proceeded thus:

The Person to whom we owe the Dangers and Fears of the French King against us: The Person to whom we owe the Threats and fevere Answers to those humble Addresses we made the last Session of Parliament: The Person to whom we owe the Ruin of this Nation, and exhausting the King's Revenue: The Person to whom we owe the Expence of two hundred thousand Pounds a Year unaccounted for: The Person to whom we owe the raising of a Standing-Army, to be kept up by the Receipt of fix Millions of Livres Yearly, for three Years, to enflave us and our Religion: The Person to whom we owe the late Bone that was thrown in on the Sitting of the last Parliament, to hinder the good Issue that might have come by their Proceedings; who is now laying down his Staff, and making up his Accounts in the Treasury as he pleases, to en-

Mr. Powle's Speech against him.

rich himself out of the Spoils of the People, and so depart.' Anno 31 Car. II. At the Conclusion of the Debate, Resolved nem con. 'That a Meffage be fent to the Lords to demand Justice, in the Name The House reof the Commons of England, against Thomas Earl of Danby; folve to demand and that he may be immediately sequestered from Parliament, Justice against and committed to safe Custody. They likewise Resolved, him, and declare That an humble Address be made to his Majesty, represent- his Pardon iling to his Majesty, the Irregularity and Illegality of the Par- legal. don, mentioned by his Majesty to be granted to the Earl of Danby, and the dangerous Consequence of granting Pardons, to any Persons that lie under an Impeachment of the Com-

mons of England.

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Mar. 25. The Lords fent a Message to acquaint the House The Lords acof Commons, 'That they had fent to apprehend Thomas quaint the Com-Earl of Danby both to his House here in Town, and to his mons that Lord Danby had House at Wimbleton; and that the Gentleman-Usher of the made his E-Black Rod had returned their Lordshiys Answer, that he scape. could not be found?' Whereupon the Commons refolving not to be defeated, ordered, 'That a Bill be brought in to The Commons fummon Thomas Earl of Danby, to render himself to Ju- resolve to atflice by a certain Day, to be therein limited; or in-default taint the Earl thereof, to attaint him.' Then to render him more obnoxi- of Danby. ous, Bedloe came before the House, and made a great complaint of the harsh Usage and Discouragements he had met with from the Earl, when Treasurer; setting forth upon Oath, ' That, going to him for some Money, by virtue of an Or- Bedloe's Narrader from the Council, his Lordship took him into his Closet, tive of the ill and asked him, whether the Duke of Buckingham, or Lord Usage he re-Shaftesbury, or any of the Members of the House of Com- ceiv'd from him. mons, had defired him to fay any thing against him, and to tell him who they were, and he would well reward him; and to know if he would defift from giving Evidence against the——and the Lords in the Tower, &c. To which Bedloe, answered, that he had once been an ill Man, but defired to be so no more. To which the Earl replied, you may have a great Sum of Money, and live in another Country, as Geneva, Sweden, or New-England; and should have what Money he would ask to maintain him there. But He, Bedloe, refusing all such Temptations, his Lordship began to threaten him, faying, There was a Boat and a Yacht to carry him far enough from telling of Tales: And after this, the Guards were as Spies upon him, and he was very ill used, till by their Address to the King the same was remedied, and better care was taken.' And at the same time appeared Oates in the House, who declared, 'That, being And Oates's,] one day in the Privy Garden, the Earl of Danby passing by, reflected upon him, and faid, There goes one of the Saviours of England, but I hope to see him hanged within a Month.

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1679.

Colonel Sackville expell'd.

A Conference

about the Earl

of Danby.

Anno 11 Cor. II. And likewise, at the same time, Oates gave his Testimony against Colonel Sackville, a Member of the House formerly mentioned, declaring that he faid, That they were Sons of Whores, who said there was a Plot, and that he was a lying Rogue that faid it. Whereupon the Colonel was immediate. ly fent to the Tower, and ordered to be expelled the House. with a Petition to the King to be made incapable of bear. ing any Office. But in a fhort time, upon his Submiffion, he was discharged from his Imprisonment, but not restored to his Seat in the House.

On the 4th of April, there was a Conference between the two Houses, in the painted Chamber, concerning the Bill fent up against the Earl of Danby; where the Earl of Anglefey, Lord Privy Seal, delivered himself to this effect, being

the chief Manager for the Peers;

The Bill against him return'd by the Lords, with Amendments.

'That the Lords chose to deliver back this Bill by Confe. rence, rather than Message, to preserve a good Understanding, and prevent Debate and Controverly between them. The Lords observe, that the greatest Affairs of the Nation are at a stand, at a time of the greatest Danger and Diffi. culty, that this Kingdom ever laboured under: That the King hath always in his Reign inclined to Mercy and Clemency to all his Subjects: Therefore to a King to merciful and compassionate, the first Interruption of his Clemency they did defire should not proceed from the two Houses preffing the King to an Act of the greatest Severity; therefore they have passed the Bill with some Amendments, which he delivered to them.

The Commons were no way fatisfied with the Lords Proceedings, therefore drew up Reasons against them, to be offered in another Conference, which were as follow:

The Addition of the Title does shew, that the Amendments made by your Lordships to the Bill do wholly alter the Nature of it, and from a Bill of Attainder have converted it to a B ll of Banishment, which the Commons cannot consent to for these Reasons:

1st, That Banishment is not the legal Judgment in Cases of High-Treason; and the Earl of Danby being impeached by the Commons of High-Treason, and fled from Justice, hath hereby confessed the Charge, and therefore ought to have the Judgment of High-Treason for the Punishment.

2d. That Banishment being not the Punishment the Law inflicts upon those Crimes, the Earl of Danby might make use of this Remission of his Sentence as an Argument, That either the Commons were distrustful of their Proofs against him, or else that the Crimes are not in themselves ci. so high a nature as Treason.

The Commons Objections.

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ed, That the Example of this would be an encourage- Anno 31 Car. II. ment to all Persons that should be hereafter impeached by the Commons, to withdraw themselves from Justice, which they would be always ready to do, if not prevented by a Commitment upon their Impeachment, and therefore hope to obtain a more favourable Sentence in a legislative way, than your Lordships would be obliged to pass upon them in your judicial Capacity.

Upon the reading of this Paper, they immediately refolved. An Address for that an Address be presented to his Majesty, that he would a Proclamation iffue out his Royal Proclamation for apprehending of Tho- Lord Danby. mas Earl of Danby; and to command all Ministers of Justice to use Diligence to apprehend him, and to forbid all Subjects to harbour him; and to require all Officers of the Houfhold to take care that no Person suffer him to conceal him-

felf in any of the King's Palaces.

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On the same day, April 8th, they had a second Confe- A second Conrence with the Lords upon the same Case, where the Earl serence. of Huntingdon managed for the House of Peers, and what he

delivered was to this effect: 'The Lords have defired this Conference with the Commons, not so much to argue and dispute, as to mitigate and reconcile: They have already observed, That the Debates of this Bill have given too long, and too great an Obstruction to public Business; and therefore they desire you to believe, that that is the reason which hath chiefly prevailed with their Lordships in a matter of this nature. And upon this ground it is, that if a way may be found to fatisfy and secure the public Fears, by doing less than the Bill you have proposed, the Lords do not think it adviseable to insist upon the utmost and most rigorous Satisfaction to public Justice, which might be demanded. To induce you to this Compliance, the Lords do acknowledge, that Banishment is so far from being the legal Judgment in case of High-Treason, that it is not the legal Judgment in any case whatsoever, fince it can never be inflicted but bythe legislative Authority: But they fee no reason why the legislative Authority should always be bound to act to the utmost extent of its Power; for there may be a prudential Necessity sometimes of making Abatements, and it might be of fatal consequence, if it should not be so. And the Lords, to remove all Jealousies of the Precedents of this kind, do declare, that nothing which hath been done in the Earl of Danby's case, shall ever be drawn into Example for the time to come, and will lo enter it upon their Journal. And thereupon their Lordships infift upon their Amendments so far, as to exclude all Attainders; and do promise themselves the Commons will in this Point comply with their Lordships, who do again as-

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Anno 31 Car. H.
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A third and free
Conference,

their Tenderness, and the Confideration of the Public.

A third and free was held two Days after, in which the Lord Privy-Seal

faid:

That the House of Commons might see by the present quick freeConference, which the Lords defired, that their Lord. ships did shew their willingness, by using all means possible. to reconcile both Houses, and to come to such an Under. standing, as to pass the Bill with all Expedition. He own. ed the Cogency of the Commons Reasons, and therefore the Lords were content to make the Bill absolute, without giving the Lord Danby any day to appear, and the Penalties to continue. He observed, that, by the passing of this Bill, he would not only be ruined, together with his Family, but likewise those Acquisitions which he got by the Marriage into a noble Family, would be lost. And if the House of Commons would have any other Penalties added to the Bill, their Lordships would leave it to them, provided they run not to the absolute Destruction of the Lord impeached.' He took notice, 'That altho' Reason and Justice were of the Commons fide, yet in a legislative Capacity, they were to consider Circumstances with relation to the good of the That in this Affair they had gained two great Points; the first was, 'That Impeachments made by the Commons in one Parliament, continue from Seffion to Seffion, and Parliament to Parliament, notwithstanding Pro-rogations or Dissolutions: The other Point was, That in Cases of Impeachment upon special Matter shewn, if the Modesty of the Party impeached directs him not to withdraw, the Lords admit that of right they order him to withdraw, and that afterwards he must be committed. But without special Matter alledged, he said, he did not know how many of their Lordships might be picked out of the House of a sudden.

The Earl of Shaftesbury, now in a way of Preferment in

Court, declar'd:

'They were as willing to be rid of the Earl of Danby, as the Commons; but he let them know, That the Expression which was sent with Reasons from the Lords the other day, namely, That the Lords would not draw into Example the Proceedings of the Earl of Danby, but would vacate them; they intended that to extend only to the Points of not withdrawing and not committing. He likewise declared, That the way now proposed would be a means to have the Bill pass; for the Commons might have other Penalties if they would, as Confiscation of Estate, Loss of Honours, &c. Therefore he desired the Commons to consider, that there

were weighty Reasons, which were better understood than Annest Car. II. expressed, that proved it necessary for the good of the Pub-

lic, that this Bill should speedily pass."

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The Commons replied, 'That they hoped their Lordships did not think, they took it as if they had now gained any Point; for the Points, which their Lordships mentioned as gained, were nothing but what was agreeable to the ancient Course and Methods of Parliament.'

Mr. Edward Vaughan in particular urged and reinforced Mr. Vaughan,

the Reasons offered at a former Conference.

'That Reason and Justice being for the Bill as they sent it up, they could not yet doubt the Lords Concurrence.

'They hoped that their Lordships, who are Judges for the Kingdom, and not only for themselves, will follow the Example of their Ancestors, and proceed by Rules of Law, which are to guide in passing Acts of Parliament, as well as in the ordinary Course of Judicature.'

Sir Francis Winnington urged Precedents for the like Sir F. Win-

Attainder, old and new, and added these Reasons:

'1. For the Lords to change the Punishment, when he appears, he may say, that the Commons, agreeing to a Composition, admit their Proofs are not full for Treason.

'2. Though we thirst not after Blood, and might have confented to a Bill that gave him not Advantage instead of Punishment, as this by the Amendments would do; yet, as it

is, we cannot consent for that Reason.

'3. The Earl punishes himself; our Bill is not rigorous, but according to the Rules of Justice against a Person im-

peach'd, and dares not abide his Trial.

4. Flight is odious in the eye of the Law.

'5. This would shew as if different Degrees of Persons should have different Degrees of Justice. Would your Lordships so make Provision for a slying Commoner? Besides, this is not the Flight of an innocent Moses from the Egyptians, but of a wicked Cain out of the sense of his Guilt.'

Mr. Powle spoke next, and said,

'There are but two Reasons why Punishment should be

mitigated.

the Justice of King and Parliament, and lurks hereabouts, doing ill Offices, and hindring the great Affairs of the Kingdom.

'2. When a Man merits Favour in his Office; but we cannot find one good thing he ever did, whilft he was in Power

and Place.

Mr. Sacheverel added,

'It is but a Bill of Summons, to keep him from perfecting his Treasons abroad, and continuing his Enmity to his Country;

Mr. Powle.

Mr. Sacheverel.

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Anno 11 Car. II. try; but, as your Lordships have made it, it is an Act of In. demnity and Safety to him; giving him leave to go to repair the little Loss he is under here, by the Favour of those beyond Sea, whom he hath ferved against his Country.

Mr. Vanghan.

Mr. Vaughan concluded, faving; 'That Justice should have its Course, is the prime Consideration: The Earl stops all himself, therefore he should not have benefit thereby, but ought to find that Justice will be too hard for his Evasions."

Then they delivered the Bill again to the Lords, with their Amendments, with Expression of Hopes and Desire of their Concurrence with them, that Justice may have its course. and the great Affairs of Parliament be no longer obstructed. by spending more Time on him, who hath brought the

Kingdom into fo fad a Condition.

The Attainder Bill paffes against him.

And thus they so immoveably adhered to their own Bill of Attainder, that, within two or three days time, the Lords thought fit to give way to the Heat of the Season, and passed the Bill, in which the 21st of April was appointed for the Earl's furrendring himself to trial.

The Earl fur-

[The Earl finding himself reduced to this Extremity, rasenders himself, ther than risk the Mischiefs that might happen to himself, or to the King, if he should refuse to pass the Bill, on the 15th of April jurrendered lilmself to the Usher of the Black. Rod, which was fignify'd to the Commons, the next Day.

The five Popish Lords put in their Answers.

The 16th, The House was inform'd by a Message from the Lords, That all the five Peers, lately committed to the Tower, had brought their Answers to the Impeachment against them, in Person, except the Lord Bellasis. Upon which a Debate arose, Whether the said Lord Bellasis, having not in Person deliver'd his Answer, was actually and legally arraign'd. And a Committee was order'd to inspect the Entries that had been made in the Lords Journals touching the Appearance and Arraignment of the five Lords, and give in their Report the next Day.

The fame day, The House Resolved, That a Supply should be granted to his Majesty of 206,462 l. 17 s. 3 d. for the paying off, and dismissing all the Forces then in Arms, rais'd or brought over from foreign Parts, to be rais'd by fix

Months Tax.

And appropriated.

A Supply voted.

The next day, a Clause was order'd to be added to the said Resolution, to appropriate the Money to that Use only, with Penalties upon such Persons as should direct the same: And, a Morion being made, That the faid Supply should be paid into the Exchequer, the House divided, and it pass'd in the Affirmative, Noes 131, Yeas 191.

The same day, the Report of the Committee, appointed to inspect the Lords Journals was deliver'd in by Mr. Hampden,

in effect as follows, &c.

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That April 8. The Lord Shaftsbury reported from the Anno 31 Car. It. Committee of Privileges, That their Lordships were of Opinion, that the Lords now Prisoners, ought to be brought to the Bar, and kneel there, and then fland up, Report of the and hear the Articles against them read. Which was or- Contents of the der'd by the House accordingly.

That April o. The Lords Powis, Stafford, Petre, and relating to the Arundel of Wardour did appear at the Bar of the House, five popille where they heard the Articles against them read, and were told, his Majesty would appoint a Lord High-Steward for

their Trials.

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That, then, the Lords, having put in several Requests, withdrew, and, being call'd in again, were told by the Lord-Chancellor, That the House had order'd the several Indictments brought against them by the Grand Jury, should be brought into that Court by Writ of Certiorari, that their Lordships should be allow'd Copies of the Articles against them, that till the 15th would be given them for their Anfwers, and farther Time, in case any new Articles were alledg'd; with Liberty to take out Copies of Records, Journals, &c.

That, then, they find notice taken, that Lord Bellasis had not appear'd at the Bar. And that Thomas Pleffington. and Robert Dent, being fworn, had attefted that his Lordship was so ill of the Gout, that he could not turn in his Bed without Help: Which reasonable Excuse being allow'd. the faid Thomas Pleffington, in behalf of his Lordship, defir'd a Copy of the Articles exhibited against his Lordship. with Council, &c. which Particulars were all granted.

That April 15. being appointed for the faid Lords, to put in their Answers, they were order'd to be brought to the Bar of the House, for that Purpose, and that Lord Bellasis

was permitted to deliver in his Answer in Writing.

The Commons, then, order'd the Answers of the said Lords, to be inspected by the Committee of Secrecy: Who were farther to confider the Methods of Proceeding upon Impeachments, and give in their Report accordingly.

The 21st, His Majesty, by Message, commanded the Commons to attend him, in the House of Peers, where he ex-

press'd himself, as follows:

' My Lords and Gentlemen,

Thought it necessary to acquaint you what I have done The King's this Day; which is, that I have establish'd a new Privy- Speech to the Council, the constant Number of which, shall never ex- Parliament, on ' ceed Thirty. I have made choice of fuch Persons as are declaring a new worthy and able to advise me; and am resolv'd in all my Privy-Council., weighty and important Affairs, next to the Advice of my great Council in Parliament, which I shall often consult TOME I. with,

Mr. Hampden's Lords Journals.

1679.

Anno 31 Car. II. with, to be advis'd by this Privy-Council. I could not make fo great a Change without acquainting both Houses

of Parliament: And I defire you all to apply yourselves heartily, as I shall do, to those Things which are necessary

for the Good and Safety of the Kingdom, and that no

Time may be loft in it.

Sir John Trevor's Report. from the Committee, concerning the Answers of the Lords.

The 23d. Sir John Trevor gave in the following Report. from the Committee appointed to inspect the Answers of the five Lords, and the Methods of Proceeding upon Impeach.

That it is the Opinion of the Committee, that the Lord Bellasis being impeach'd of High-Treason, cannot make any

Answer but in Person.

That the feveral Writings, put in by the Lords Powis. Stafford, and Arundel of Wardour, are not Pleas, and Anfwers, but argumentative, evalive; and, to which the Commons neither can, or ought to reply.

'That, if the Answers of the said Lords, as well as that of the Lord Petre, were sufficient, Proceedings ought to be flopt, till the Lord Bellasis, had also put in a sufficient An-

fwer in Person.

That the Commons do demand of the Lords, that their Lordships would forthwith order the said Lords to put in their perfect Answers; or, in default thereof, that the Com-

mons may have Justice against them.

The next day, the faid Report being approv'd by the House, a Conference was desir'd with the Lords, at which, the Answers of the five Peers were return'd, together with the Reasons of the Commons for their Insufficiency: To which was added by Order that the House desir'd their Lordships would appoint a short Day for the said Peers to put in their effectual Answers.

The 25th. The Lords, by Message, acquainted the House, Plea, and Lord that the Earl of Danby had put in his Plea, and the Lord Bellasis his Answer, in Person, at the Bar of the House of Lords; which faid Plea, and Answer, the Lords sent down at the same time, desiring they might be return'd with all

convenient Speed.

The 26th, Mr. Rigby, from the Committee appointed to enquire into the late Fires, that had happen'd in, and about the City of London, gave in a Report, to the following

Purport.

That on the 24th of Feb. about midnight, a Fire broke out at one Mr. Bird's in Fetter Lane; which was discover'd by the Watch. That a Servant of the faid Bird's, one Elizabeth Oxley, at the same time, came to her Master's Chamber, with an Alarm of Fire, which was foon after found to have begun

A fhort Day required for the 5 Lords to put in their Answers.

Lord Danby's Bellasis's Anfwer, fent down to the Commons.

Mr. Rigby's Report, from the Committee appointed to enquire into the late Fires, &c.

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b:gun in a Closet full of Books and Papers; tho' all was fate Anno a Car. II. there, when the faid Bird went to Bed. That, after the Fire was extinguish'd, Mrs Bird going up into her Servant's Room, to see if all was safe there, found the Clothes of her two Maids ready bundled up, with other corresponding Circumflances; which creating some Suspicion, the said Bird secur'd the faid Oxley, in order for Examination the next Day, (his other Maid, utterly denying all Knowledge of the bundling up the Clothes, &c.) That, accordingly being examin'd, the faid Oxley confess'd her setting fire to the Papers in the Closet after the Family was afleep: That the did it at the Infligation of one Stubbs, a Papift, who gave her Half-a-Crown in Hand, &c. with a Promise of 51. more.

That the faid Stubbs, being taken into Custody, and examin'd, did confirm all that Oxley had advanc'd; adding farther, that he was employ'd in the Bufiness by one Father Gifford, a Prieft, who held it was no Sin to burn the Houses That he had drawn in feveral to be his Acof Heretics. complices: That he was to receive 100 l. of the faid Gifford. who was to be supply'd with the Money, by the Church ... That the faid Stubbs, moreover, confes'd several other Particulars relating to a general Massacre of the Protestants, which was to be cover'd by an Invasion from France: That he expected to be made an Abbot or Bishop for his good Services: That he had been taught, 'twas no more Sin to kill a Heretic, than a Dog: That he was fworn to Secrecy: That he was told he should be damn'd if he made a Discovery; and, that when all their Forces met, in the middle of June, the Word was, Have at the King."

The House then resolv'd that an Address should be presented to his Majesty, for a Pardon for the said Stubbs, and Oxley, in Consideration of the Discovery they had made: As, likewise for a Proclamation, requiring the Persons nam'd by the faid Stubbs, as Accomplices, to render themselves at

a short day. The same Day, The Lords, by Message, acquainted the The Lords House, that the Lords Stafford, Arundel of Wardour, and Stafford, Arun-Powis, had that day retracted their former Pleas, and put in del, and Powis, others, which were fent down with a Request, that they Pleas, and send might be return'd with all convenient Speed.

The 27th, being Sunday, the House Resolved, nem. con. The grand Re-That the Duke of York's being a Papist, and the Hopes of solve, relating his coming fuch to the Crown, has given the greatest Coun- to the Duke of tenance and Encouragement to the present Conspiracies and York. Designs of the Papists, against the King and Protestant Religion. To which, the Concurrence of the Lords was defired.

in others.

Anno 31 Car.II.

The Report of the Committee appointed to inspect the Earl of Danby's Plea of Pardon.

The 28th, the Committee of Secrecy, which were an pointed to examine and peruse the Nature of the Earl of Danby's Plea, made this Report:

1. We find no Precedent that ever any Pardon was granted, to any Person impeached by the Commons for High-Treason, or other high Crimes depending in the Impeach-

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2. As to the Manner of passing the Earl of Danby's Pardon, it hath been formerly reported to the House, and

the Committee refer themselves to that Report.

3. That by what Means it was obtained, the Time allowed the Committee hath been fo fhort, that we cannot as yet discover the Advisers or Promoters thereof, any farther than what is mentioned in the faid Report, relating to the Lord-Chancellor.

Whereupon the House Resolved, 'That a Message be fent to the Lords, to desire their Lordships to demand of the Earl of Danby, Whether he will rely upon, and abide

by the Plea of his Pardon.'

The next day, the King returned this Answer to the Commons Address for the Execution of Pickering and other Priefts:

Gentlemen,

I have always been tender in Matters of Blood, which my Subjects have no reason to take exception at: But this is a Matter of great weight, I shall therefore consider of it, and return you an Answer.

After which, feveral Things being prepared by the new Privy Council, (which the King had lately established, in compliance with the Temper of the Times) in order to eak

the Minds of the People, now variously agitated,

His Majesty came to the House of Peers on the 30th of April, and fending for the Commons, made this short Speech to both Houses:

The King's fecond Speech to both Houses,

The King's

Answer to the

executing cer-

tain Priests.

Address for the

' My Lords, and Gentlemen,

THE Season of the Year advancing so fast, I thought it necessary to put you.

The Profecution of the Plot. it necessary to put you in mind of three Particulars.

· 2. The disbanding of the Army:

4 3. The providing a Fleet for our common Security.
4 And to shew you, that whilst you are doing your Parts,

my Thoughts have not been misemployed; but that it is my conftant Care to do every Thing that may preserve your Religion, and fecure it for the future in all Events, I have commanded my Lord-Chancellor to mention feveral

Particulars: which I hope will be an Evidence, that in all Things 249)

Flings that concern the public Security, I shall not fol- Anno 31 Car. II. ! low your Zeal, but lead it.

Accordingly the Lord-Chancellor made this following Speech, which is here inferted without any Abridg-

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' My Lords, and you the Knights, Citizens and Burgesses The Lordof the House of Commons, That Royal Care which his Ma. Chancellor's jesty hath taken for the general Quiet and Satisfaction of all fecond Speech. his Subjects, is now more evident by these new and fresh Inflances of it, which I have in command to open to you. His Majesty hath considered with himself, that it is not enough that your Religion and Liberty is fecure during his own Reign, but he thinks he owes it to his People to do all that in him lies, that these Blessings may be transmitted to your Posterity, and so well secured to them, that no Succession in After-Ages may be able to work the least Alteration. And therefore his Majesty, who hath often said in this Place, That he is ready to confent to any Laws of this Kind, fo that the same extend not to alter the Descent of the Crown in the right Line, nor to defeat the Succession, hath now

commanded this to be farther explained.

And to the end it may never be in the power of any Papift, if the Crown descend upon him, to make any Change either in Church or State; I am commanded to tell you, that his Majesty is willing that Provision may be made, first to distinguish a Papist from a Protestant Successor; then to limit and circumscribe the Authority of a populh Successor, in these Cases following, that he may be disabled to do any Harm: First, in reference to the Church; his Majesty is content that care be taken, that all ecclefiaffical and spiritual Benefices and Promotions in the Gift of the Crown, may be conferred in fuch a Manner, that we may be fure the Incumbents shall be always of the most pious and learned Protestants: And that no popish Successor, while he continues so, may have any Power to control fuch Presentments. In reference to the State, and Civil Part of the Government; as it is already provided, That no Papist can sit in either House of Parliament; so the King is pleased that it be provided too, that there may never want a Parliament, when the King shall happen to die, but that the Parliament then in being may continue indisfolvable for a competent Time; or if there be no Parliament in being, then the last Parliament which was in being before that Time, may re-assemble, and lit a competent Time, without any new Summons, or Elections. And as no Papist can by Law hold any Place of Trust, to the King is content that it may be farther provided, that

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1679.

Annog Car. II, no Lords or others of the Privy-Council, no Judges of the Common-Law, or in Chancery, shall at any Time, during the Reign of a Popish Successor, be put in, or displaced but by the Authority of Parliament: And that care be taken, that none but fincere Protestants may be Justices of the Peace. In reference to the military Part, the King is willing that no Lord-Licutenant, or Deputy-Lieutenant, nor no Officer in the Navy, during the Reign of any popish Successor, be put out or removed, but either by the Authority of Parliament. or of fuch Persons as the Parliament shall intrust with such Authority.

> It is hard to invent another Restraint to be put upon a Popish Successor, considering how much the Revenue of the Successor will depend upon the Consent of Parliament, and how impossible it is to raise Money without such Consent. But yet, if any thing else can occur to the Wisdom of the Par. liament, which may farther fecure Religion and Liberty against a Popish Successor, without defeating the Right of Succession itself, his Majesty will most readily consent to it. Thus watchful is the King for all your Safety; and, if he could think of any thing else, that you do either want or wish to make you happy, he would make it his Business to effect it to you God Almighty long continue this bleffed Union between the King and his Parliament and People.'

A Committee appointed to confider, what Part of the laft Supply is undispos'd of.

May 1. the Commons revived a Committee, formerly appointed to confider what part of the Money given for difbanding the Army is yet undisposed of, and remaining in the Exchequer; being still apprehensive of the Corruptions of the Earl of Danby. But to fhew a personal Concern for their Sovereign at the same Time, they fell upon the farther Confideration of fecuring and preferving the King, and the Protestant Religion, against the Attempts of the Papists, both in the Reign of his Majesty and his Successors. also read, at the same Time, a Bill for better Prevention of illegal Exaction of Money from the Subjects; and ordered, that Leave be given to bring in a Bill, ' That when any A Bill to vacate the Election of Member of this House is preferred to any Office or Place of Profit, a new Writ shall immediately issue out for electing a Member to serve in his stead.

Placemen.

Report of the Committee above-mention'd.

Lord Danby's Pardon voted illegal, and void.

The 2d, the Committee for inspecting what Part of the Supply for the disbanding the Army remain'd undispos'd of, reported that on the Evidence of Sir R. Howard, (Auditor of the Exchequer) 40 or 45,000 l is or ought to be yet in the Exchequer.

Still the Earl of Danby was one of their chief Grievances, and his Pardon (which by the Advice of his Council he refolved to abide by) a very great Vexation; therefore on the 5th of May they resolved, that it was the Opinion of this House, that the Pardon pleaded by the Earl of Danby was

illegal and void, and ought not to be allowed in bar of the Anno arCar.If.

Impeachment of the Commons of England.

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The same Day, his Majesty sent a Message to the Commons, by Lord Russel, one of his new Privy-Council, who acquainted the House, 'That his Majesty commanded him to let the House know, that his Majesty is willing to comply with the Request made to him by the House concerning Pickering, and that the Law shall pass upon him accordingly. As to the condemned Priests, the House of Peers. have fent for them, in order, as his Majesty conceives, to fome Examinations. And farther to acquaint you, that he repeateth his Instances to you, to think of putting the Fleet in fuch a Posture, as may quiet Mens Fears, and at least fecure us from any fudden Attempt; which his Majesty doubts not but you will do. And tho' the Streights and Difficulties he lieth under are very great, he doth not intend, during this Session, to press for any farther Supply; being willing rather to fuffer the Burdens that are upon him fome time longer, than to interrupt you whilst you are employed about the Discovery of the Plot, the Trial of the Lords, and the Bill for fecuring of our Religion.' After which Mr. Speaker, with the whole House, went up to the Lords Bar, and demanded Judgment against the Earl of Danby in these Words:

'My Lords, The Knights, Citizens and Burgeffes, in Judgment de-Parliament affembled, are come up to demand Judgment, manded again in their own Names, and the Names of all the Commons of England, against Thomas Earl of Danby, who stands impeached by them before your Lordships of High-Treason, and divers high Crimes and Misdemeanors; to which he has pleaded a Pardon; which Pardon the Commons conceive to be illegal and void; and therefore they do demand Judgment

of your Lordships accordingly."

On the 7th, the following Message was sent by two Judges

from the Lords:

'Mr. Speaker, we are commanded by the Lords to ac- A Message quaint this House with an Order yesterday made concerning from the Lords, the Earl of Danby, viz. Whereas the Earl of Danby hath adhered to the Plea of his Pardon, and prayed to be heard by his Council, to make good the Validity of his Pardon: And whereas the Commons have by their Speaker, in proper Person, demanded Judgment against the Earl, as conceiving his Pardon to be illegal and void; It is ordered by the Lords spiritual and temporal, in Parliament assembled, that Saturday the tenth Instant, be appointed for hearing the Earl of Danby to make good his Plea. And farther to acquaint you, that the Lords spiritual and temporal have yesterday resolved, that the five Lords in the Tower, William

1679.

The King's Message.

manded against

(352)

1679.

Anno 31 Car. II. Earl of Powis, William Viscount Stafford, William Lord Petre, Henry Lord Arundel of Wardour, and John Lord Bellasis, shall be brought to their Trials, upon Wednesday the fourteenth of this Month; and likewise, that the Lords have address'd his Majesty to appoint a Lord High Steward.

The House then order'd a Committee to inspect the Journals for Precedents relating to the faid Message.

The 8th, the following Address against the Duke of Lauderdale was agreed to; with the Resolution that it

should be presented by the whole House.

Their Address against the Duke of Lauderdale.

We your Majesty's most loyal and dutiful Subjects, the Commons in Parliament affembled, finding your Majefty's Kingdoms involved in imminent Dangers, and great Difficulties, by the evil Defigns and pernicious Councils of fome who have been, and are in high Place, and Truft and Authority about your royal Person; who, contrary to the Duty of their Places, by their arbitrary and destructive Counsels, tending to the Subversion of the Rights, Liberties and Properties of your Subjects, and the Alteration of the Protestant Religion established, have endeavoured to alienate the Hearts of your loyal Subjects, from your Majesty and your Government. Amongst whom we have just Reason to accuse John Duke of Lauderdale, for a chief Promoter of fuch Counfels; and more particularly for contriving and endeavouring to raise Jealousies and Misunderstandings be-tween your Majesty's Kingdoms of England and Scotland; whereby Hostilities might have ensued, and may arise, between both Nations, if not prevented. Wherefore, we your Majesty's loyal Subjects, could not but be sensibly affected with Trouble, to find fuch a Person (notwithstanding the repeated Addresses of the last Parliament) continued in your Councils at this Time, when the Affairs of your Kingdom require none to be put into fuch Employments, but fuch as are of known Abilities, Interest and Esteem, in the Nation, without all Suspicion of either mistaking or betraying the true Interest of the Kingdom, and consequently of advising your Majesty ill. We do therefore most humbly beseech your most facred Majesty, for taking away the great Jealoufies, Diffatisfactions, and Fears among your good Subjects, that your Majesty will graciously be pleased, to remove the Duke of Lauderdale from your Majesty's Councils, in your Kingdoms of England and Scotland, and from all Offices, Employments, and Places of Trust, and from your Majesty's Presence for ever.

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To this the King only made this cold Reply: 'That he

would confider of it, and return an Answer.

The fame Day, the House took into Consideration the Amendments made by the Lords, to the Bill for granting

a Supply to his Majesty of 206,462 l. 17 s. 3 d. for pay- Anno 31 Car. H. ing off and disbanding the Forces raifed fince the 29th of September, 1677. And the first, second, third, fourth and fifth Amendments, being twice read, were upon the Question feverally agreed: The lixth and feventh Amendment (for leaving out John Lord Ross, Son and Heir apparent to the Earl of Rutland) being read a fecond Time, and the Lord Ross having been called up to the House of Peers, since the Bill was fent up to the House of Lords; Resolved, That the House doth not agree with the Lords in the said Amendments. The rest of the Amendments, to the hundredth and second Skin, fixth Line, being twice read, were upon the Question severally agreed. The Amendment in the hundredth and fecond Skin, fixth Line, being read a fecond Time, and the Question being put for agreeing with the Lords in that Amendment, it passed in the Negative. The rest of the Amendments to the End of the Bill, being twice read, were upon the Question severally agreed. The two Claufes to be added at the End of the Bill, being twice read, and the Question being severally put, to agree with the Lords in the faid Clauses, it passed in the Negative.

Ordered, That a Committee be appointed to draw up Reafons, to be delivered at a Conference to be had with the Lords, why the House have disagreed with their Lordships, in several of their Amendments, to the Bill for paying off

and disbanding the Army.

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Sir Thomas Clarges then gave in his Report from the Sir Thomas Committee appointed to inspect the Journals for Precedents Clarges's Rerelating to the Lords Message of the Day before, which was port from the as follows:

'That on the like Occasion, the House of Commons have spect the Lords appointed a felect Committee to join with a Committee of Journals, Lords, to confider of the Methods and Circumstances to be

observed on the Trials."

The same Day, Sir John Trevor, likewise, gave in his Sir John Tre-Report of the Reasons prepar'd by the Committee, why this vor's Report, House cannot agree to the Amendments, made by the relating to the Lords, to the Bill for disbanding the Army, which were made by the to the following Effect:

'That the Commons look upon the first Clause, that they Bill for disbanddiffent from as unnecessary, because the Bill has a relative ing the Army. Clause to the Act for building the Ships, wherein the Clause,

defired by their Lordships, is enacted.

That the Amendments relating to Guernsey and Jersey, is such a Disposition of Money, as the Commons have great Reason to be tender of from past Experience. It alters the Bill in feveral Parts, and would be of dangerous Confequence if admitted.

TOME I. Yy · That

Lords, to the

Anno 31 Car. II. 1679. That the 50000 l. in the last Amendment is already appropriated to the paying off and disbanding the Army; and so there needs no such Clause: and the altering of such Appropriations by a subsequent Act, would destroy the Credit of any Appropriation to be hereafter made by Parliament.

A Committee appointed to draw up Heads for a Conference with the Lords.

Their Report,

A Committee was then appointed to draw up Heads for a Conference to be had with the Lords, on the Message relating to Lord Danby, and the other Lords impeached, who the same Day gave in their Report as follows:

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That the Commons suppose your Lordships intend in all your Proceedings, upon the Impeachments now depending, to follow the usual Course and Methods of Parliament; and the Commons cannot apprehend what should induce your Lordships to address his Majesty for a Lord High Steward, to determine the Validity of the Pardon which has been pleaded by the Earl of Danby, to the Impeachment of the Commons; as also, for the Trial of the other Lords: Because we conceive the constituting of a High Steward is not necessary; but that Judgment may be given in Parliament upon Impeachments, without a High Steward.

Lordships Message, touching the Trial of the Lords impeached; which, if not settled, may occasion several Interruptions and Delays in the Proceedings: The House of Commons do therefore propose, that a Committee of both Houses may be appointed to consider of the most proper Ways and Methods of proceeding upon Impeachments of the House of Commons, according to the Usage of Parliament; that, thereby, those Inconveniencies may be a

voided.

The Lords drop their Amendments to the Bill for a Supply.

They refuse to

join in a Com-

mittee of both Houses. The 9th, the Lords, by Message, acquainted the House, that they had agreed to drop their Amendments to the Bill for disbanding the Army.

The same Day, Sir Thomas Meers reported from the Conference had with the Lords concerning the Trial, that the Lord Privy-Seal manag'd the Conference, and that

what he deliver'd was as follows:

'That the Lords do not agree to a Committee of both Houses, because they do not think it conformable to the Rules and Orders of Proceedings of this Court, which is, and ever must be tender in Matters relating to their Judicature.

It was then resolv'd, that his Majesty should be address'd to order the Militia of London, Westminster, Southwark, the Tower-Hamlets, Middlesex and Surry, may be immediately rais'd, &c. and that two Companies of the Westminster Train'd-Bands may be put in Arms to-morrow

The Commons address the King, to raise the Militia round London, in which the Lords concur. Morning: which being the next Day drawn up in Form, Anno al Car. II. was fent up to the Lords, who gave their Concurrence to it-

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The fame Day the House resolv'd, 'That no Commoner Several warm whatfoever should presume to maintain the Validity of the Resolutions. Pardon pleaded by the Earl of Danby, without the Confent of this House; and that the Persons so doing, shall be accounted Betrayers of the Liberties of the Commons of

That this Vote be posted up at Westminster-Hall-Gate. at the feveral Gates of Serjeant's-Inn, and other Inns of Court; and that the Answer deliver'd by the Lords this Day, at the last Conference, tends to the Interruption of the good Cor-

respondency between the two Houses.

The 10th, Mr. Hampden made his Report from the Com- Reasons to be mittee appointed to draw up Reasons to be offer dat a Con- offered to the ference with the Lords upon the Subject Matter of the last, ference.

which were to the following Effect:

'The Commons, hoping this Conference will prevent all Misunderstandings between the two Houses, at this Conjuncture so especially to be avoided, when the most heinous Delinquents are to be brought to Justice; and when the Enemies of both King and Kingdom ought to have no Hopes left them to fee this obstructed by any Disticulties in the Proceedings, have commanded us to fay this to your Lordinips:

'That your Lordships do not offer any Answer or Satisfaction to the Commons in their necessary Proposals, amicably offered by way of Supposition, that they might have been confirm'd therein, by Answer from your Lordships, that your Lordships do intend, in all your Proceedings upon the Impeachments now depending before your Lordships to fol-

low the usual Course and Methods of Parliament.

'And farther, that your Lordships have not given the least Answer or Satisfaction to the Commons concerning a Lord High Steward, tho' the Commons propos'd their Desire of Satisfaction in that Matter in as cautious Terms as could be, on purpose to avoid all Disputes about sudicatures.

The Commons, to avoid Delays and Interruptions, propos'd to your Lordships that a Committee of both Houses might be nominated to confider of the most proper Ways of proceeding upon Impeachments. Your Lordships, without any Reason assign'd (save only that you say you do not think it conformable to the Rules and Proceedings of this Court) have refus'd to agree with the House of Commons, in appointing such a Committee, tho' not heretofore deny'd, when ask'd upon the like Occasion, and at this Time, deared purposely to avoid Disputes and Delays, · And

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Lords at a Con-

Anno 31 Car.II. 1679.

And therefore, the House commanded us to acquaint your Lordships, that Things standing thus upon your Answer, they cannot proceed upon the Trials of the Lords before the Methods of Proceeding be adjusted between the

After these Reasons had been read and approv'd, and a Conference demanded thereon, the Lords, on their Side, demanded one in the Interval, the Substance of which was thus deliver'd to the House by Sir John Trevor the same

Sir John Trevor.

The Earl of

the Lords.

Day, viz.
'That the Lord Privy-Seal manag'd the Conference; and that he acquainted them, that the Lords had received a Petition from the Earl of Danby, who was order'd to attend their Lordships this day, which his Lordship read: Whereby the Earl of Danby fets forth, that he met with Information from his Council, that they durst not appear to Danby petitions argue the Validity of his Pardon, by reason of a Vote of the House of Commons; and that their Lordships desir'd to know whether there was any fuch Vote as was alledg'd in the Petition.

This unexpected Query of the Lords, occasion'd an Order of the House, that a Committee should be appointed to inspect the Journals, and search Precedents concerning Que-

stions ask'd at Conferences.

Mr. Bertie examined.

The same Day Mr. Charles Bertie (entrusted by Patent, with the Disposal of 20000 l. per Annum secret Service Money out of the Excise) was call'd in, and examin'd on several Questions; and being withdrawn, it was resolved that the House was not satisfied with his Answers. After which, Sir Robert Howard, Auditor of the Exchequer, informing the House that from Lady Day 1676, to March 26. 1679, 252,467 l. 1 s. 9 d had been paid to the faid Mr. Bertie for fecret Service; an Order was iffued, that Mr. Charles Bertie be committed to the Custody of the Serjeant at Arms, for his Contempt to this House.

The 11th, being Sunday, the Lords fignify'd to the House by Message, that they have appointed a Committee, confisting of twelve Lords to join with a Committee of the House of Commons, to consider of Propositions and Circumflances in reference to the Trials of the Lords in the

Tower.

252,467 1. recieved by him for tecret Ser-

And committed into Cuftody for a Contempt.

The Lords agree to the joint Committee.

> The same Day, Mr., Treby having acquainted the House with feveral Particulars, concerning the Duke of York, contain'd in the Letters and Papers in the Custody of the Committee of Secrecy, relating to the Plot, it was refolv'd, That a Bill be brought in to disable the said Duke from inheriting the Imperial Crown of these Realms. And moreover, nemine contradicente,

Bill of Exclufion brought in.

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That in defence of the King's Person, and the Prote- Anno 31 Car. II. flant Religion, this House doth declare, that they will fland by his Majesty with their Lives and Fortunes; and that refolution to if his Majesty should come by any violent Death (which fland by his God forbid) they will revenge it to the utmost on the Papists. Majesty with

This was foon after put into the form of an Address, their Lives and which being presented to his Majesty, he returned this Fortunes. Answer:

Gentlemen, I thank you for your Zeal for the Preserva- His Majesty's tion of the Protestant Religion, and of my Person; and I Answer.

f affure you, I shall do what in me lies, to secure the Protestant Religion; and am willing to do all such things, as may tend to the Good and Benefit of my Subjects.

In the mean time, on Wednesday the 14th of May, the King fent this following Message to the House of Commons,

by Mr. Powle, one of his new Privy-Council.

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That

' Though his Majesty hath already, at the first meeting in The King's Parliament, and fince by a Word or two, mentioned the Meffage to Necessity of having a Fleet at Sea this Summer; yet the them. ' Season for preparing it being far advanced, and our Neighbours before us in their Preparations, he cannot hold himfelf discharged towards his People, if he do not now, with more Earnestness, again recommend the same to your present Care and Confideration; and the rather, from the daily Expectation of the Return of the Fleet from the Streights, to which a great Arrear is due; and hereby he must acquit ' himself of the evil Consequences, which the want of a Fleet in such a Juncture may produce: And he hath not done this without considering, That the entering upon the Work presently can be no hindrance to the other great Affairs 'upon your Hands; but rather a Security, in the dispatch thereof.

This Message, tho' reasonable and proper, and proceeding from an unexceptionable Council, was no farther regarded, than after a Debate, it was resolved, that the farther Confideration of the faid Message be adjourned till Monday next come feven-night.

Both Houses having agreed to a joint Committee for settling the Way and Method of trying the impeached Lords, after some meetings a Report was made to the House of

Commons by Sir John Trevor, to this effect:

That the Commons had made two Propositions to the Proceedings Committee of the Lords: First they desired to see the Com- about the immillion of the Lord High-Steward, and those to former peached Lords. Lords: Secondly, they defired to know what Resolutions had been taken, about the Lords Spiritual being present or ablent at the Trial of the Lords impeached. For the hirst, the

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1679.

Anno a Car. II. Lords Committee produced feveral Copies of the Commissions to the Lords High-Stewards, and particularly that for the Trial of the Earl of Danby, and for the five Lords in the Tower.' But withal they communicated a Resolution of the Lords House, of the 12th of May, in these Words:

It is declared and ordered, by the Lords Spiritual and Temporal, that the Office of a High-Steward, upon Trials of Peers upon Impeachments, is not necessary to the House of Peers; but that the Lords may proceed upon such Trials, if a High-Steward be not appointed according to their humble Desire.' Their Lordships farther declared to the Committee, ' That a Lord High-Steward was made pro has vice only: That notwithstanding the making a High Steward, the Court remained the same, and was not thereby altered, but still remained the Court of Peers in Parliament: That the Lord High-Steward was but as a Speaker or Chair-man, for the more orderly Proceedings at the Trials. Notwithstanding which, they had petitioned and obtained a Lord High-Steward for the enfuing Trials.' As to the fecond Proposition, the Resolution of the House of Peers was in these Words:

Resolved by the Lords Spiritual and Temporal, that the Lords Spiritual have a Right to flay in Court in capital Cases, till such time as Judgment of Death comes to be pronounced.'

The next day, the Lords explained themselves, and declared the Meaning of their Resolution to be, That the Lords Spiritual have a Right to stay and fit in Court, till the Court proceed to vote guilty or not guilty.

The fecond Proposition, being a Matter of great Weight and Confideration, the Committee of the Commons had commanded him to report it to the House, in order to receive their Directions for their farther Proceedings.

Two days after, Sir John Trevor made another Report from the Committee of both Houses, that the Lords had communicated to the Committee certain Proceedings of the House of Lords, in these Words:

Resolved by the Lords Spiritual and Temporal, That Thursday the 22d Instant be appointed to begin the Trials of the five Lords in the Tower; the Earl of Powis, Lord Viscount Stafford, Lord Petre, Lord Arundel of Wardour, and Lord Bellasis. After which Resolution passed, the Lords Spiritual asked the Leave of the House, that they might withdraw themselves from the Trials of the said Lords, with the Liberty of Entring their usual Protestations. that the Commons Committee did defire the Directions of the House, how they should proceed thereon. Upon hearing the Report, the House of Commons, after a warm De-

bate, Resolved, that it be given as an Instruction to the said Anno 31 Car. II. Committee to infift, That the Lords Spiritual ought not to have any Vote in any Proceedings against the Lords in the Tower: And when that Matter shall be settled, and the Methods of Proceeding adjusted, this House shall then be ready to proceed upon the Trial of the Pardon of Lord Danby, against whom this House hath already demanded Judgment; and afterwards to the Trials of the other five Lords in the Tower.

On the 15th of May, the Commons perfected their grand Bill to disable the Duke of York from inheriting the imperial Crown of England; now obtaining the Name of the Exclusion Bill: and was read the first Time, without any great Oppolition. It fet forth, after the Particulars of the

execrable Conspiracy,

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'That the Emissaries, Priests and Agents for the Pope, had traitorously seduced James Duke of York, presumptive Heir to these Crowns, to the Communion of the Church of Rome; and had induced him to enter into feveral Negotiations with the Pope, his Cardinals and Nuncios, for promoting the Romish Church and Interest; and by his Means and Procurement, had advanced the Power and Greatness of the French King, to the manifest Hazard of these Kingdoms. That by Descent of these Crowns upon a Papist, and by foreign Alliances and Affistance, they might be able to succeed in their wicked and villamous Defigns."

Then after another Preamble, they enacted to this Effect: 1. 'That the faid James Duke of York, Albany, and Ulster, should be incapable of inheriting the Crowns of England, Scotland, and Ireland, with their Dependencies; and of enjoying any of the Titles, Rights, Prerogatives

and Revenues belonging to the faid Crowns.

2. 'That in case his Majesty should happen to die, or refign his Dominions, they should devolve to the Person next in Succession, in the same manner as if the Duke was

'3. That all Acts of Sovereignty and Royalty that Prince might then happen to perform, were not only declared void,

but to be High-Treason, and punishable as such.

'4. That if any one, at any Time whatsoever, should endeavour to bring the faid Duke into any of the forementioned Dominions, or correspond with him in order to

make him inherit, he should be guilty of High-Treason.

5. That if the Duke himself ever returned into any of these Dominions, considering the Mischiess that must ensue, he should be looked upon as guilty of the same Offence; and all Persons were authorized and required, to seize upon and imprison him; and in case of Resistance made by him or his Adherents, to subdue them by Force of Arms. This

1679.

The Substance of the ExcluAppo 31 Carill. 1679.

This Bill of Banishment, as well as Exclusion, was five

Days after read a fecond time in the House.

Upon which the question being put, whether the Bill should be committed, the House divided, and the Yeas or. dered to go forth, were two hundred and feven, and the Noes who staid were but a hundred and twenty eight the Majority seventy-nine; and so the Bill was committed to a Committee of the whole House: but the Parliament being foon after prorogued, it proceeded no farther.

May 22. A Committee having been some time before appointed to enquire into the Miscarriages of his Majesty's Navy: and the Petition of one Captain Mohun against Sir Anthony Dean, Hugh Salisbury, and John Moor, all Off. cers in his Majesty's Yard at Portsmouth, having been lest to their Confideration, Mr. Harbord reported to the House the Case of the said Captain Mohun, to the Effect fol-

lowing:

The Report mittee on the Miscarriages of the Navy.

That the faid Dean, Salisbury and Moor, did, in the Year from the Com- 1673, equip the Hunter Sloop, out of his Majesty's Stores at Portsmouth; and by the favour of Mr. Pepys, Secretary to the Admiralty, procur'd a Commission of Reprisal for the faid Captain Mohun, to whom they gave the Command of the faid Sloop; who gave 1000 l. Bond, acknowledging the faid Persons to be Owners of the said Sloop, and obliging himself to be accountable to them for the Prizes he should take.

> That the faid Mohun fail'd with the faid Sloop to Dover. where he receiv'd a Letter from Dean, directing him to make for Dunkirk or Calais, there to make the faid Sloop free of either of those Ports, and likewise procure a Commission against the Dutch; the Charge of all which the said

Dean undertook to pay.

That the faid Mohun, sensible of the Injustice of this Defign, laid down his Command, and left her at Dover; and that being some time after at Dunkirk, he there saw the faid Sloop, then commanded by one Thomas Swayne, bring in the Catherine of London as a Prize, being a free Ship of England; of which the faid Mohun gave an inftant account

to her Owners in London.

That the faid Mohun being at Calais, there came over one Balthazar St. Michael, concern'd likewise in the Sloop Hunter, and his Majesty's Cheque-Master at Portsmouth, in his way to Paris, with Instructions and Letters to get the faid Ship Catherine condemn'd as Prize, tho' he knew the faid Ship had been prov'd to be English before his Majesty and Council; and that his Majesty had sent Orders to his Embassador at Paris to procure her Discharge.

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That the faid St. Michael got the faid Ship and Cargo re- Anno 31 Car. II. feiz'd, after she had been discharg'd at the instance of his Majesty's said Embassador.

That the faid Mohun had heard the faid Captain Swayne fay, that he receiv'd the Provisions of the said Sloop from

his Majesty's Victualler at Dover.

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That the faid Mohun, being fince Master of a small Vessel, and putting into Dover, was pres'd by the said Dean and Moor, to be Pilot of the Norwich-Frigate; where he was detain'd eight Days, and then forc'd on shore by Violence: After which, by certain Soldiers of the Garifon, he was hurried to Prison; Dean bringing an Action against him for That, within half an Hour after he was in the faid Prison, he was cruelly shackled; that he was forced to go on Crutches for five Months; and that being afterwards remov'd by Habeas Corpus to the King's Bench, he continued a Prisoner there for three Years, till discharg'd by Act of Parliament.

That the Merchants, Owners of the faid Ship Catherine, have proved the Matter of Fact incontestably, charg'd on the faid St. Michael (for which he was committed to the Tower) Swayne, and their Accomplices: That the Damage they received by these piratical Proceedings amounted to 5000 l. and might have been the occasion of a War between his Majesty and the States-General; it being directly con-

trary to the Articles of Peace made betwixt them.

That the faid Dean and Pepys did cause to be made certain Maps, Sea-Journals, Draughts of his Majesty's best-built Ships, Models of Ships, and fill'd 14 Sheets of Paper, closely written, with an Account of the Number, State and Oeconomy of the Navy Royal; the Means to allure English Seamen into the French Service; the Weakness of those Places where our Fleets lie, Defects of Stores, Descriptions of Forts, Rivers, Garisons, &c. All which Papers, &c. the faid Dean is accused of carrying over to France, and delivering to the Marquess de Signely, then Secretary to the French Admiralty, in order to carry on and support the Popish Plot against his Majesty, &c.

In consequence of this Report, an Order was issued the Certain Persons same day for committing the said Dean and Pepys to the ordered to be Tower; and another for the Attorney-General to profecute profecuted them; as likewife St. Michael, Moor, Swayne, and one thereon.

Wation.

TOME I.

The 23d, the House being inform'd that Sir Stephen Fox An Enquiry inhad paid several Sums of Money to some of the Members of to the Disposal the late Parliament, and that he has Books of Accounts to of Money diffrience the fame; it was ordered, that he hould immediate butted among the evidence the same; it was ordered, that he should imme- Members. diately attend the House with the said Books, &c.

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Anno ar Car. H. 1679

Soon after which, Sir Stephen being come, it was order'd that he should forthwith produce his Ledger-Book, Cash. Book, Journal, and Receipts of Money by him paid for fecret Service; and that Sir John Hotham, Sir Robert Peyton, and Sir John Holeman do accompany the faid Sir Stephen Fox; and that he is enjoin'd not to go out of the Company of the faid Members, before they return to the House.

Ordered, That no Member depart the Service of this House, till Sir Stephen Fox and the other Members return.

Then the faid Members being return'd, Sir John Hotham reported, That so soon as they came to Sir Stephen Fox's, the Lord Chamberlain came in and told them, that he durf not fuffer any Books or Papers that concern'd the King to go out of his House, without the King's special leave.

Ordered, That Sir Stephen Fox do name such Members of the last Parliament as he could remember that received

any Money for secret Service.
Ordered, That Sir Francis Winnington report to morrow, what Members of the last Parliament, the secret Committee knows receiv'd any Pension.

Ordered, That the Clerk read over the Roll, and that Sir

Stephen Fox answer every Name.

	per Annum.
Sir Charles Wheeler	, 400 l.
Francis Roberts,	500.
Sir James Smith,	500.
Sir Richard Wiseman	, 500.
Thomas Price,	400.
Humphrey Cornwall,	200.
Sir Lionel Walden,	300.
Daniel Colingwood,	300.
Robert Philips,	300.
Received at a Tin	ne.
Sir George Reeves.	500 l.
Sir John Duncomb,	2000.
Sir Thomas Woodcock	k, 200.
Henry Clark,	400.
Sir John Talbot,	500.
Sir Philip Mountain,	300.
Upon Account.	
Sir John Robinson,	25001.
Mr. Rogers,	200.
Colonel Whitley,	300.
Sir Jonathan Trelawne	
Sir Philip Howard,	500.
Sir Courmey Poole,	1000.
Colonel King,	200.

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(363)	
Mr. Westphaling,	2001.
Sir John Barnaby,	300.
Sir Job Charlton,	1000.
Mr. Knolls.	200.
Randolph Egerton,	500.

Anno 31 Car.II. 1679.

The same day Sir John Trevor, from the Committee ap- Sir John Trepointed to join the Committee of Peers, to confider of Pro- vor's Report politions and Circumstances relating to the Trial of the Lords from the joint in the Tower, reported the Contents of a Paper, delivered Committee of Lords and Comby the faid Committee of Peers, as follows:

'That the Lords, Powis, Stafford, Petre, and Arundel of Wardour, shall have Warrants for such Witnesses as will not come without (Affidavit being first made thereof) except Members of the House of Commons, and Persons charged with being Accomplices in the same Treason. And, that fuch Witnesses as any of the said Lords produce for their Defence, shall not be examin'd upon Oath in their own Case; but may be examin'd upon Oath, if desir'd by the Commons on their Behalf; and, that if any of the Lords do re-examine them, it shall be on the same Oath.

'That the Lieutenant of the Tower is to return the War-

rant of this House.

'That the faid Lords being brought to the Bar by the faid Lieutenant, are to kneel, till commanded to rife by the Lord High-Steward; when he is to let them know, that they are then to answer the Accusation of High-Treason brought against them, in the Name of the Commons of England, and take their Trials for their Lives.

'That the whole Impeachment is to be read, and then their Answers. After which the Lord High-Steward is to tell the Commons, that they may proceed with their E-

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'That he is then to declare, that now the Court is proceeding to hear the Evidence, and defire the Peers to give

their Attention.

'That if the faid Lords demand Counsel, the Lord High-Steward is to tell them, that, while the Managers for the Commons urge their Evidence of Facts, they are to use no Counfel.

That if any Peers or Managers for the Commons would ask the Prisoners any Question, they must defire the Lord

High-Steward to ask the faid Question.

That if any doubt arises upon the Trial, no Debate is to be in Court; but the Question suspended, to be debated in the House.

That the Peers are to fit upon the Trial but a Day, and

not to fit past Two of the clock.

'That

Anno 31 Car. II. 1679.

'That the Members of the Commons are to be feated first, before the Peers come.

'That none are to be cover'd at the Trial, but the Peers.
'That a private Place be made to put Offenders fafely in.

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'That the Space, between the Prisoners and the Wool-

Sack, be clear.

'That, such Peers who shall be admitted Witnesses, at the Instance of the Commons, are to be sworn at the Clerk's-Table, the Lord High-Steward to administer the Oath, and to deliver their Evidence in their own Places.

'That, those Witnesses, who are Commoners, are to be fworn ar the Bar, by the Clerk, and deliver their Evidence

there.

'That, the Form of the Oath for the Witnesses, shall

be this;

'The Evidence which you shall give in this Trial, concerning the five Lords Prisoners, at the Bar, shall be the Truth, the whole Truth, and nothing but the Truth. So help you God, and the Contents of this Book.'

'That the faid five Lords may cross-examine Witnesses,

viva voce, at the Bar.

'That Notice be given to the Lord-Mayor, Aldermen, and Sheriffs of London, and likewife, the Deputy-Lieutenants, and Justices of Middlesex, &c. to take care for the safe guarding the Gates, and other Places, thereby to prevent the Concourse of People resorting to Westminster, during the Trial.

'Ordered by the Lords Spiritual and Temporal, in Parliament affembled, That this Paper be communicated to the Committee of the House of Commons, by the Lords Com-

mittee of this House.

'To this Sir John Trevor, further reported, That the Lords of the Committee declar'd, when they deliver'd the said Paper, that the Paper was deliver'd as Proposals to be debated; not as an Order, or Rule to bind the Commons: And that the Committee of the House did declare, that they receiv'd the Paper, only as Proposals.'

The 24th, it was Refolv'd, That the Committee, appointed to join the Committee of the Lords, do insist upon the former Instructions, and do give no Answer to the Proposals made Yesterday by the Lords, until their Lordships have made an Answer to the Proposals, already made to their Lord-

ships, by the Committee of this House.

Resolved, That an Answer be return'd to the last Message of the House of Peers, touching their Appointment of the Trial of the five Lords, to be on Tuesday next, with Reasons, Why the House cannot proceed to the Trial of the said Lords, before Judgment is given upon the Earl of Danby's

Danby's Plea of his Pardon, and the Point of the Bishops Anno 31 Car. II. not Voting in any Proceedings upon Impeachments for capital Offences be fettled, and the Methods of Proceeding adjusted: And, That a Committee be appointed to prepare

and draw up the Reasons.

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The same day Sir Francis Winnington reported from the A farther Ac-Committee of Secrecy, That there was Annually paid our count of Penof the Excise, 20,000 l. for Pensions manag'd by Mr. Charles fions, and secret Berrie, by Patent, for which he was to give no Account, but for secret Service. That Sir Richard Wiseman receiv'd 400 l. per An. for himself; and 400 l. per An. for three more. That Sir Joseph Tredenham, Mr. Piercy Goring, Sir Robert Holt, Mr. Glascock, and Sir John Johnson, were also Penfioners.

Ordered, That the Auditor of the Excise, do bring in a List of the Farmers of the Excise, to the Year 1672.

Ordered, That Mr. Johnson, and Mr. Lent, be sent for to attend the House, they having paid several of these Penfions. And that the Speaker issue forth his Warrant for any Witnesses, as shall be named to him by any Members of this House, touching Money paid for secret Service.

The 26th, Mr. Sacheverel delivered in his Report from Mr. Sacheverel. the Committee appointed to draw up Reasons, why this House cannot proceed to the Trials, &c. which was to the follow-

ing Effect:

The Commons have always desir'd that a good Cor- The Report respondency may be preserv'd between the two Houses.

There is now depending between the two Houses a mittee appoint-Matter of the greatest Consequence, in the Management of ed to draw up which your Lordships seem to apprehend some Difficulty Reasons, why from the Proposals made by the Commons.

' To clear up this, the Commons have desir'd this Con- in the Trials ference, in which they hope to prove, That the said Propo- of the five fals are only fuch as have been well-warranted by the Laws Lords. of Parliament, and Constitution of the Government; and, in no fort intrench upon the Judicature of the Peers, but, are most necessary to be insisted upon: That the antient Rights

of Judicature in Parliament may be maintain'd.

The Commons readily acknowledge, That the Crimes, charg'd upon the five Peers, are of deep Guilt, and call for speedy Justice: but, withal, they hold any Change of Judicature in Parliament, made without Consent of full Parliament, to be of pernicious Consequence, both to his Majetty, and his Subjects; and hold themselves oblig'd to transmit to Posterity, all the Rights they receiv'd from their Ancestors; by putting your Lordships in mind of the Progress already made between the two Houses, in relation to the Proposals made by the Commons, and the Reasonableness of

from the Comthe Commons cannot proceed

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1679.

Anno exCar.II. of the faid Proposals themselves. They doubt not to make it appear that their Aim hath been no other, than to avoid fuch Consequence, and preserve that Right: And, That there is no Delay of Justice on their part; and, to that End, do offer to your Lordships, the ensuing Reasons and Narratives.

'That the Commons, in bringing the Earl of Danby to Tuffice, and the Discovery of that execrable and traitorous Conspiracy, of which the five Lords stand impeach'd, have labour'd under great Difficulties, is not unknown to your

Lordships.

That, upon the Impeachment of the Earl of Danby, the common Justice of Sequestring him from Parliament, and forthwith committing him to fafe Custody, was then requir'd by the Commons, and deny'd by the Peers, tho' he then fat in their House. Of this, your Lordships have been so sensible. That, at the free Conference of April 10, your Lordships acknowledged that what we then demanded, was our Right, and well-warranted by Precedents. And, had not that Justice been deny'd to the Commons, great part of this Seffion of Parliament, which hath been spent in framing a Bill for caufing the Earl of Danby to appear and anfwer that Justice, from which he was fled, had been employ'd for the Preservation of his Majesty's Person, and the Security of the Nation: And, in profecuting the other five Neither, had he had Opportunity to procure that illegal Pardon, bearing date March 1. which he hath now pleaded in Bar of this Impeachment, nor of wasting so great a Portion of the Treasure of the Kingdom, as he hath done, fince the Commons exhibited their Articles of Impeachment against him.

'That, after all this Time thus loft, the faid Bill, being ready for the Royal Affent, the Earl of Danby furrender'd himself, was committed by your Lordships Order, dated April 16, pleaded his Pardon; and, being prest, declar'd he would rely upon, and abide by that Plea. Which Pardon, being illegal and void; therefore, of no Force to preclude the Commons from having Justice: They did, therefore, with their Speaker, May 5, demand Judgment against the faid Earl upon the Impeachment; not doubting, but that your Lordships intended, in all your Proceedings upon the faid Impeachment, to follow the usual Course and

Methods of Parliament.

But, the Commons were not a little furpriz'd by a Message from your Lordships, May 7, That, as well the Lords Spiritual, as Temporal, had order'd May 10, for Hearing the faid Earl make good his Plea of Pardon. And That on the 13th, the other five Lords should be brought oid

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to their Trial, in order to which, your Lordships had ad-Anno 32Car. 31.
dress'd his Majesty to name a Lord High Steward, as well in
the Case of the Earl of Danby, as of the other five Lords.

'Upon Consideration of the said Message, the Commons found that the admitting of the Lords spiritual to exercise Jurisdiction in these Cases, was an Innovation, and which extended alike to the five Lords and the Earl of Danby, and that, if a Lord High Steward should be held necessary upon Impeachments, the Power of Judicature in Parliament might be defeated by suspending or denying to constitute a Lord High Steward; that the Days appointed for the Trial were so near at hand, that it was impossible to adjust the necessary Terms between the two Houses in the Interval, unless their Zeal for speedy Judgment against the Earl of Danby, that so they might proceed to the Trial of the other five Lords, should induce them to admit of the Enlargement of your Lordships Privileges, with the great Hazard of the Commons Power of Impeachment for the Time to come.

'For reconciling Differences, for faving Time, and for expediting the Trials, without giving up the Power of Impeachment, or rendering them ineffectual, the Commons propos'd a joint Committee to your Lordships, at which, when agreed to, it was first propos'd to defer the Trials of the Lords, till other Affairs were adjusted; and it was then agreed that the Proposals, as to the Time of Trial, should be the last Thing considered, and the Effect of this Agree-

ment stands reported in your Lordships Books.

'Upon which, the Commons communicated their Vote, that their Committee should insist upon their former Vote, that the Lords spiritual ought not to have any Vote in the Proceedings against the Lords in the Tower; and that when this was adjusted, they were ready to proceed on Lord Danby's Plea of Pardon, against whom they had before demanded Judgment. But to this, the Commons have as yet received no Answer, except that the Bishops had ask'd Leave to withdraw, with Liberty of entering their usual Protestation.

'And altho' the Commons have almost daily declared, that there was a necessary Point of Right to be settled before the Trials, and offered to debate the same, your Committee always answer'd they had not Power either to confer upon, or give any Answer concerning that Matter. Notwithstanding which, your Lordships, by Message May 14, declared to the Commons, that the Lords spiritual as well as temporal, had order'd the 27th for the Trial of the five Lords; so that the Commons apprehend your Lordships have not only departed from what was agreed on, and in effect, laid aside the Joint-Committee, constituted for preserving a good Understanding.

Anno a Car. II. derstanding between the two Houses, and better Dispatch of the weighty Affairs now depending in Parliament; but must needs conclude from the faid Message and Vote of your Lordships May 14, that the Lords spiritual have a Right to flay and fit till the Court proceeds to the Vote, Guilty, or not Guilty. And for the Bishops asking Leave to withdraw, &c. and by their perfifting still to vote in Proceedings upon the Impeachments, that faid Leave-asking, &c. is only an evalive Answer to the Vote of the Commons before mentioned, and chiefly intended as an Argument for a Right of Judicature in Impeachments, and a Reason to judge of the Earl of Danby's Plea of Pardon; and upon those and other like Impeachments, tho' no fuch Power was ever claim'd by their Predeceffors, but is utterly deny'd by the Commons. And this the Commons are the rather induc'd to believe, as the very asking Leave to withdraw feems to imply a Right to be there; and that they cannot be absent without it; because, by this Way, they would have it in their power for the future, whether they will ask Leave to be absent, and the temporal Lords like Power of denying it, if that should be admitted once necessary.

> ' The Commons, therefore, are obliged not to proceed with the Trial of any of the five Lords, the 27th of this: Instant May, but to adhere to their former Vote; and for their fo doing, befide what has been already faid, do offer

the Reasons following; viz.

'1. Because your Lordships have received the Earl of Dan-by's Plea of Pardon, with a very long and unusual Protestation, wherein he has aspers'd his Majesty, by false Suggestions, as if his Majesty had commanded or countenanced the Crimes he stands charg'd with; and particularly, in suppressing and discouraging the Discovery of the Plot, and endeavouring to introduce an arbitrary and tyrannical Government, which remains as a Scandal upon Record against his Majesty, tending to render his Person and Government odious to his People, against which it ought to be the principal Care of both Houses to vindicate his Majesty, by doing Justice upon the Earl.

2. That fetting up a Pardon to be a Bar of Impeachment defeats the whole Use and Effect of Impeachments. For, should this Point be admitted or stand doubted, it would totally discourage the exhibiting any for the future. Whereby the chief Institution for the Preservation of Government would be destroy'd, and consequently the Government itself: and therefore, the Case of the said Earl, which in consequence concerns all Impeachments, ought to be determined before that of the faid five Lords which is but their parti-

cular Case.

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And, without reforting to many Authorities of great Antiquity, the Commons defire your Lordships to take Notice with the same Regard they do, of the Declaration made by King Charles the First, in his Answer to the 14 Propositions of both Houses of Parliament, wherein, stating the several Parts of this regulated Monarchy, he says, 'The King, the House of Lords, and the House of Commons have each particular Privileges:' And among those which belong to the King, he reckons the Power of pardoning; after the enumerating of which, and other his Prerogatives, his said Majesty adds this again: 'That the Prince may not make use of his high and perpetual Power to the Hurt of those for whose Good he hath it: and make use of the Name of public Necessity, for the Gain of his private Favourites and Followers, to the Detriment of his People.

berty, is folely entrusted with the first Propositions concerning the Levies of Monies, and the Impeachment of those, who for their own Ends, tho countenanced by any furreptitiously-gotten Command of the King, have violated the Law, which he is bound, when he knows it, to protect; and to the Protection of which they were bound to advise

him, at least not to serve him to the contrary.

'And the Lords being entrusted with the Judicatory Power, are an excellent Skreen and Bank between the Prince and the People, to assist each against any Encroachments of the other; and by just Judgments to preserve the Law which ought to be the Rule of every one of the three.

'Therefore the Power legally placed in both Houses, is more than sufficient to prevent and restrain the Power of

' Tyranny.

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'3. Until the Commons of England have Right done them against this Plea of Pardon, they may justly apprehend, that the whole Justice of the Kingdom, in the Case of the five Lords, may be obstructed and deseated by Pardons of the like Nature

'4 An Impeachment is virtually the Voice of every Particular Subject of this Kingdom, crying out against an Oppression, by which every Member of the Body is equally wounded: and it would prove a Matter of ill Consequence, that the Universality of the People should have Occasion minister'd to them to be apprehensive of the utmost Dangers from the Crown, whereby they of Right expect Preservation.

5. The Commons exhibited Articles of Impeachment against the Earl of Danby, before those against the other five Lords, and demanded Judgment upon these Articles; whereupon your Lordships, having appointed the Trial of the Tome I.

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Anno 31 Car. II. faid Earl to be before that of the other Lords: now your Lordships having fince inverted that Order, give a great Cause of Doubt to the House of Commons, and raise a Jealoufy in the Hearts of all the Commons of England, that, if they should proceed upon the Trial of the said five Lords in the first place, not only Justice would be obstructed in the Case of these Lords, but that they never shall have Right done them in the Matter of the Plea of Pardon, which is of fo fatal Consequence to the whole Kingdom, and a new De. vice to frustrate public Justice in Parliament.

> Which Reasons and Matters being duly weigh'd by your Lordships, the Commons doubt not but your Lordships will receive Satisfaction concerning their Propositions and Proceedings, and will agree, that the Commons ought not nor cannot, without deferting their Trust, depart from their

former Vote communicated to your Lordships.

'That the Lords spiritual ought not to have any Vote, &c' These Reasons, &c. were the same Day delivered to the Joint-Committee, of which Sir John Trevor made Report as follows: 'That the Lords of the Committee had given That they had no Power from their House to this Answer. give any farther Answer to those Matters, or to debate the fame with the Committee of this House.'

The Consequence of this Report was a Resolution, that a Conference be defir'd with the Lords upon Matters of great Importance to the Kingdom, and for preserving a good Cor-

respondency between the two Houses.

To this the Lords agreed; but, before the faid Conference could take place, the King came to the House of Peers; and without a Speech prorogu'd the Parliament to August 14.

The fourth Parliament, 1679. Prorogu'd.

Meets again.

October 17, 1679, the new Parliament met and took the Oaths before certain Lords deputed by the Duke of Ormond Lord Steward of the Houshold, for that purpose; after which the Parliament were prorogued till January 26.

At which time they met again, and his Majesty vouchsafed to attend, and express himself from the Throne, to the fol-

lowing purpole:

The King's Speech.

HAT, when he declar'd in Council, his Intention of putting off the Parliament to a time so remote as November, it was not without mature Confideration; '-that he could not be perfuaded from any thing that had happened fince, in reference to Affairs within the Kingdom, to alter or repent of that Resolution; that, notwithstanding, ' confidering the present Danger which threatned some of our Neighbours and Allies, he thought fit to appoint a Day for their meeting again in April; yet the Distractions and Jealousies at home were of such a nature, and so · heightned TUC

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heightened and improved by the Malice and Industry of Anno 31 Car. II. ill Men, that he was unalterably of opinion, That a longer Interval of Parliament would be absolutely necessary for composing and quieting of Men's Minds: In order to which, he was afraid the most proper Remedies would prove ineffectual, without the Affistance of some farther ime. He resolved, therefore, that, on the said Meeting in April, there should be a farther Prorogation, unless the Condition of our Allies abroad did then require our · immediate Assistance.

The Lord Chancellor, by his Majesty's Command, pro- The Parliament rogu'd the Parliament to the 15th of April; from which Day prorogu'd fix it was again prorogu'd five times more; but on the 22d of times. October, met for the Dispatch of Business, when his Majesty Meets again, was pleased to make the following Speech:

' My Lords and Gentlemen, HE feveral Prorogations I have made, have been The King's very advantageous to our Neighbours, and very use- Speech to both ' ful to me; for I have employed that time in making Houses. ' and perfecting an Alliance with the Crown of Spain, ' fuitable to that which I had before with the States of the 'United Provinces, and they also had with Spain, confishing of mutual Obligations of Succour and Defence. all the reason in the world to believe, that what was so ' much defired by former Parliaments, must needs be very grateful to you now: For though some, perhaps, may wish these Measures had been taken sooner; yet no Man can ' with reason think that it is now too late; for they who defire to make these Alliances, and they who defire to break them, fliew themselves to be of another opinion. And as these are the best Measures that could be taken ' for the Safety of England, and Repose of Christendom, ' so they cannot fail to attain their End, and to spread and 'improve themselves farther, if our Divisions at home, do ' not render our Friendship less considerable abroad.

To prevent those as much as may be, I think fit to renew to you, all the Affurances which can be defired, that nothing shall be wanting on my part to give you the fullest Satisfaction your Hearts can wish. for the Security of the ' Protestant Religion; which I am fully resolved to maintain against all the Conspiracies of our Enemies, and to concur with you in any new Remedies, which shall be proposed, that may confist with the preserving the Succe sion of the Crown in its due and legal course of Descent. And, in order to this, I do recommend it to you, to purfue the ' further Examination of the Plot, with a strict and an im-

partial Aaa 2

Anno 12 Car. II. partial Enquiry. I do not think myfelf fafe, nor you neither, till that Matter be gone through with, and therefore it will be necessary that the Lords in the Tower be brought to their speedy Trial, that Justice may be done.

I need not tell you what danger the City of Tangier is in, nor of what Importance it is to us to preserve it. I have, with a mighty Charge and Expence, fent a confider. able Relief thither; but constantly to maintain so great a Force as that War will require, and to make such new Works and Fortifications, without which the Place will not be long tenable, amounts to fo vast a Sum, that with. out your Support, it will be impossible for me to undergo it: Therefore I lay the Matter plainly before you, and do defire your Advice and Affistance.

But that which I value above all the Treasure in the World, and which I am fure will give me greater Strength and Reputation both at home and abroad, than any Treafure can do, is, a perfect Union among ourselves. No.

thing but this can restore the Kingdom to that Strength and Vigour which it feems to have loft, and raise us again to that Confideration which England hath usually had.

'All Europe have their Eyes upon this Assembly, and think their own Happiness or Misery, as well as ours, will depend upon it. If we should be so unhappy, as to fall into fuch a Misunderstanding among ourselves, as would render our Friendship unsafe to trust to, it will not be to be wondered at, if our Neighbours should begin to take new Resolutions, and perhaps such as may be fatal

Let us therefore take care that we do not gratify our Enemies, and discourage our Friends by any unreasonable Disputes. If any such do happen, the World will see it was on Fault of mine; for I have done all that was possible for me to do, to keep you in Peace while I live, and to leave you so when I die. But from so great Prudence and good Assection of yours, I can fear nothing of this kind, but do rely upon you all, that you will use your best Endeavours to bring this Parliament to a good and happy Conclusion.

After this Speech, the Lord Chancellor, by his Majefly's Command, directed the Commons to return to their House, and to proceed to the Choice of a Speaker, when William Williams Ef; was unanimously elected; and was approved the next Day by his Majesty.

The first Debate began October 26, five Days after the Meeting of the Parliament, which the Lord Russel opened

with the following Speech:

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Mr. Speaker, Sir, feeing by God's Providence, and his Anno 22 Car. II. Majesty's Favour, we are here assembled, to consult and advise about the great Affairs of the Kingdom, I humbly conceive it will become us to begin first with that which is of Lord Russel. most consequence to our King and Country, and to take into confideration how to fave the main, before we fpend any time about Particulars. Sir, I am of opinion, that the Life of our King, the Safety of our Country and Protestant Religion, are in great danger from Popery; and that either this Parliament must suppress the Power and Growth of Popery, or else that Popery will soon destroy, not only Parliaments, but all that is near and dear to us. And therefore I humbly move, that we may refolve to take into our confideration in the first Place, how to suppress Popery, and to prevent a Popish Successor; without which all our Endeavours about other Matters will not fignify any thing, and therefore this justly challengeth the Precedency.

'Mr. Speaker, Sir, I stand up to second that Motion, and Sir Henry Capel.

to give some Reasons, with your Permission, why I agree in it; not doubting but other Persons will be of the same opinion, if they have the same Sentiments of what Influence the Popish Party have had in the Management of most of our Affairs both at home and abroad, for many Years last past; and how that Party hath increased, and been encouraged. Sir, I remember, that, after his Majesty's happy Refloration, it was thought convenient that an Act of Uniformity should pass, as the best Law that could be invented, to secure the Church from the Danger of Popery and Fanaticism, and accordingly it did pass in the Year 1652; but in the Year 1662, some, that then managed the great Affairs of State, or at least had great Interest with his Majesty, were of another opinion: For they had prevailed with him to grant a Toleration and Indulgence, and to make a Declara-The Parliament affembling foon after, tion to that purpose. thought it very strange, that in one Year an Act of Uniformity should be the best way to preserve the Church, and that in the next Year, a Toleration and Indulgence: therefore, after a serious Debateabout it, in February 1663, they made an Address to his Majesty, humbly representing how it would reflect upon the Wisdom of that Parliament, to have such an Alteration made so soon; and that such Proceedings, for aught they could foresee, would end in Popery. Upon which his Majesty, out of his great Goodness, stopped the issuing out of the said Toleration, hearkening rather to the Advice of his Parliament, than to any private Coun-Sir, I cannot inform you who it was that gave that Advice to his Majesty, nor certainly affirm they were popishly affected; but, if I may take the liberty to judge of

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Anno 22 Car. II. a Tree by its Fruit, I have some reason to think so; because I find by Coleman's Letters, and other Discoveries, that a Toleration and Indulgence should be one of the great Engines they intended to use for the establishing of Popery in this Nation. But the Project thus failing at this time, they were forced to wait with Patience until they could have another opportunity; employing in the mean time their diabolical Counsels, in weakening the Protestant Interest, (in order to a general Destruction of it) by engaging us in a War with Holland. In which the French acted the fame Part in the Behalf of the Dutch, as they did afterwards in our Behalf against them, 1672; very fairly looking on both times, while we poor Protestants with great Fury destroyed one the other. But this was not fo strange, nor so plain as the dividing of our Fleet under the Command of Prince Rupert and General Monk, and the Defign of destroying them as well as their Ships, and the rest of our Navy Royal at Chatham. And as they thus acted their part at Sea, so they did not forget to do their best ashore; in April 1666, some Persons that were then hanged, fairly confessed they had been treated with, and had treated with others, to burn the City of London in September following, of which Confession we then took as little notice, as we have of other Discoveries against Papists since; however, accordingly in September, thirteen thousand Houses of the City of London were burnt; and those that were taken in carrying on that Work, generously discharged without any Trial; and one Papist, that confess'd that himself and others did set the City on fire, was in great haste hanged, and so the Bufiness was hushed up as completely as the late great Plot is like to be now, branding Hubert, that then made that Confession, with Madness; as now these last Witnesses with Perjury, Sodomy, and what not. However, these Bufinesses were not so carried, but his Majesty discerned some of the Intrigues of them, which made him alter his Councils, and, contrary to the Endeavours of that Party, enter into new Alliances, by making up that excellent League, usually called the Triple League; which put a stop to these Mens Designs as to Affairs abroad, but not to their Defigns here at home. For having obtained the Oxford Act, and some others against the Dissenters, great Endeavours were used to have them executed severely, in expectation that the Diffenters would foon be made weary of living quietly under them, and in the end be glad of a Toleration; but the Diffenters deceived them, and submitted to the Laws; infomuch that in 1670 to 1671, there was hardly a Conventicle to be heard of in England: And might never have been more, if that Party had not been afraid of a great Disappointment thereby; wherefore to revive our Anno 32 Car. II. Divisions, and to bring in (as they hoped) their own Religion, they employed all their Force again to get a Toleration. I fay they did it; because it cannot be imagined it could be from any Protestant Interest; both Church-men and Differers publickly declaring their Deteffation of it. And in 1672, it was obtained, printed, and published. After we had, in order to the carrying it on, broke that never to be forgotten triple League, facrificed our Honour to the French. not only by making a strong Alliance with them, but by feizing the Dutch Smyrna Fleet, and then afterwards pro-claiming War with them. Which War continued in order to ruin us both; for the French proved but Lookers-on at Sea, (as they had done when engaged with the Dutch in 1665,) though great Conquerors at Land, especially of the Protestants in Germany and Holland. And as this Toleration was accompanied with these great Alterations in Affairs abroad, so it was backed, 1. With a great Minister of State at the Helm at home, who was fo confident of the refixing Popery here, that he could not forbear to declare himself to be of that Religion; I mean my Lord Treasurer Clifford: as also, 2. With a great Army at Blackheath, ready upon all occasions: and, 3. With the greatest Violation on the Property of the Subject, that ever happened in this Nation, the feizing of one Million and an half, or thereabout, in the Exchequer. All which indeed made our Condition desperate, and, as many thought, past Retrieve. But Mr. Speaker. here again the Goodness and Wisdom of his Majesty saved us, refusing to follow such pernicious Counsels; upon which Clifford not only lost his Place, but his Life too, breaking his Heart (as is by most believed) to see himself so disappointed in this great Defign. And here, as we can never too much detest my Lord Clifford, and such others, who contrived our Ruin; so we can never sufficiently admire his Majesty's Royal Care, in working out our Security, by retuting to follow any Advice that tended to those Ends. And therefore, to the great Disappointment of that Party, at the Request of the House of Commons at their next Meeting, he recalled the faid Toleration, disbanded the Army, and in convenient time made a Peace with Holland. But though this Party were thus defeated of their Design, yet not so discouraged as to give it over. They changed their Meafures, but not their Principles; and although they defisted from farther aiming at a Toleration, yet they no ways neglected pursuing a Reformation; but in order thereto, prosecuted a Correspondence formerly begun for that purpose with the French King, and, by promifing him confiderable Supplies, to carry on the War he was then engaged in, fecured themselves,

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Anno 32 Car. II. themselves, as they thought, of his Assistance for the settling 2680. of Popery here. Accordingly it is not unknown. Party of Men, and what Quantity of Ammunition, and other Necessaries for War, were sent to the French King, during the War he was then engaged in; and how it was done contrary to the Advice of the Parliament, and the So. licitations of most of the Princes in Europe, and true Interest of England, to the Aftonishment of all good Men; especially because it was contrary to his Majesty's own Proclamation, and when the French had declared they made that War for Religion, endeavouring to force the Dutch to allow of Popish Churches. However such was the Strength of this Party, that this Affistance was continued until the French King was willing to make a Peace, and then who more instrumental than our Ministers to effect it? Several Embassadors, and Plenipotentiaries too, being fent as well to the Court of Spain, as Germany and Holland, for that purpose. And at last, the Dutch being weary, and confumed with the War, they were perfuaded to be willing for a Peace, and accordingly the 10th of January 1676, entred into a Treaty with us for a general Peace, to be accomplish'd by such ways and means as are therein prescrib-Which League was kept private for some time, and instead of any Discovery thereof, about the end of February following, (the Parliament being then foon after to affemble) a great noise was made of entring into a War with France, it being concluded, that nothing like that would incline the Parliament to give Money, nor the People freely to part with it, because it was the only way to extinguish those Fears they lay under, by reason of the growing Greatness of France. At the Meeting of the Parliament, the Project was fet on foot with all the Art and Industry imaginable; and so far were the major Part of the Members persuaded of the Reality thereof, that they were inclinable to give a great Sum of Money for the carrying on of the War; but while they were in confultation about it, the League formerly mentioned, agreed at the Hague, was unluckily made (in fome measure) public, and occasioned a great Jealousy of the Reality of the pretended War. And the greater, because upon an Enquiry, they could not find there were any Alliances made to that purpose. And yet notwithstanding this, and the great Endeavours of some worthy Members of that Parliament, (now of this;) an Army of thirty thoufand Men were raised, and a Tax of above 1,200,000 Pounds was given. And then, instead of a War, a general Peace, according to that Treaty agreed with Holland, was presently made. By which that Party thought they had secured, not only the Power of France, but the Men and Mong

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nev here raised at home, to be made serviceable for their Anno 32 Car. II. ends; there wanting nothing but a Popish King to perfect all these Designs. For which we have great reason to believe they had made all necessary Preparation, as well by employing Men and Money, to find out wicked Instruments to take away the King's Life, as by providing one * Cleypole to be a Sacrifice, to make an atonement for the Act, and to cast the Wickedness thereof on the Fanatics. To which purpose the said Cleypole was really imprisoned some time before in the Tower, upon the Evidence of two Witnesses, that he should fay, that he and two hundred more had engaged to kill the King, the next time he went to New-Market. For which, in all probability, he had as really been hanged, if the breaking out of the Plot had not prevented their Defigns. Then was Cleypole, the next Term after, publickly cleared at the King's-Bench Bar, the Witnesses appearing no more against him. Thus were we again reduced to a miferable condition; but it pleafed God, by the Discovery of the Plot by Dr. Oates, once more to fave us; whose Evidence (he being but one Witness) they thought at first to have out-braved; but some of them being so infatuated as to kill Justice Godfrey, and Coleman so unfortunate as to leave some of his important Papers in his House, notwithstanding the time he had to convey them away, it wrought fo great a Fermentation in the People, as that there was no Remedy, but that the farther Pursuit of the Plot must be again laid aside, and a fair Face put upon things. And so accordingly there was for a few Months; but how, after Wakeman's Trial, Things turned again, what Endeavours have been fince used to ridicule the Plot, to disparage the old Witnesses, to discourage new ones, to set up Presbyterian Plots, and to increase our Divisions, I suppose must be fresh in every Man's Memory here, and therefore I thall not offer to trouble you therewith.

But, Sir, I cannot conclude without begging your Patience, while I observe how things have been carried on in Scotland and Ireland, answerable to what was done here.

'In Ireland, the Papifts are at least five to one in Number to the Protestants, and may probably derive from their Gradle an Inclination to massacre them again: at least the Protestants have no Security, but by having the Militia, Arms, and the Command of Towns and Forts in their hands. But about the same time, or a little before that the Toleration came out here, in 1672, an Order went from hence, which, after a long Preamble of the Loyalty and Assection of the Papists to his Majesty, required the Lord-Tome I

^{*} A Gentleman of Fortune in Northamptonshire, who marry'd the Protestor Cromwell's fawourite Daughter, and was beside, his Moster of the Horse, and one of his House of Lords.

Anno 12 Car. II. Lieutenant and Council to dispense with the Papists wearing of Arms, and living in Corporations, and a great many o ther things in their favour; of which they have made fuch use, as that the Plot there was in as good readiness as that here: but how carried on, and how Endeavours were there also used to stifle it, will appear when your Leisure may permit you to examine those Witnesses.

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'In Scotland, the Government is quite altered, the Use of Parliaments in a manner abolished, and the Power of that Government lodged in a Commissioner and Council, a stand. ing Army of twenty two thousand Men settled, all Endea. vours used to divide the Protestant Interest, and to encourage the Papists By which we may conclude, that the same Interest hath had a great hand in the Management of

Affairs there also.

'And, Sir, may we not as well believe, that the World was at first made of Atoms, or by chance, without the Help of an omnipotent Hand, as that these Affairs in our little World have been thus carried on, fo many Years together, fo contrary to our true Interest, without some great original Cause, by which the Popish Interest hath so far got the Ascendant of the Protestant Interest, that, notwithstanding, all his Majesty's Endeavours, Things have been strangely overruled in favour of that Party; how and which way, his Majesty's Declaration made in April 1679, is to me a great Manifestation.

'Sir, I hope the Weight of the Matter I have discoursed on, will plead my Pardon with the House for having troubled you fo long: I fubmit what I have faid to your Judgment, humbly defiring a favourable Construction; and although I have faid some things that are verystrange, and other things grounded only on Conjectures, yet I believe that no Man will have just reason to doubt the Probability of the Truth, if they will but confider what a potent Friend the Papists have had of James Duke of York, and how emboldened by the hopes of having him for King. is not to be doubted but that they have had his Affistance, so they have had the French Embassador's too; who, by his frequency at the Palace, had seemed rather one of the Family and King's Houshold, than a Foreign Embassador; and by his Egress and Regress to and from his Majesty, rather a Prime Minister of State of this Kingdom, than a Counsellor to another Prince. And the Truth of all hath been fo confirmed by Coleman's Letters, making the Duke's Interest, the French Interest, and the Papists Interest so much one, and by the many Witnesses that have come in about the Plot, that I think we may rather be at a loss for our Remedy, than in doubt of our Disease. And therefore, though I know the difficulties I may bring myself under, by having

thus laid open fome Men's Defigns; yet feeing my King Anno 32 Car. II. and Country have called me to this Service, I am refolved, that as my Father loft his Life for King Charles I. fo I will not be afraid to adventure mine for King Charles II. and that makes me expose myself in his Service in this place.

'Sir, I think (feeing things are thus) without neglecting our Duty to our King and Country, nay to our God too, we cannot defer endeavouring the securing the King's Person, and Protestant Religion, by all lawful means whatsoever; and therefore I fecond the Motion that was made, that we may, in the first place, take into our consideration, how to suppress Popery, and prevent a Popish Successor; that so we may never return again to Superstition, Idolatry and Slavery, but may always preferve that pure Religion, to be the Religion of this Nation, for which so many of our Fore-fathers have fuffered Martyrdom, I mean the Protestant Religion, as long

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'Mr. Speaker, Sir, the Popish Party have not only had a Sir Francis great influence on the Management of our Affairs, both fo- Winnington reign and domestic, while they could do it under a Difguise; but notwithstanding the Discovery of their whole Plot, have ever fince gone on triumphant, as if they were not afraid of any Opposition that can be made against them. Although the most part of Dr. Oates's Discovery was no news to most Men; and the great Correspondence which Coleman had held with foreign Parts, had been generally observed for some Years: yet what Difficulties were there raised against believing of Oates's Testimony, and against apprehending of Coleman's Person, and seizing of his Papers; by which he had opportunity to carry away the most part, and by that means prevented a great deal of Evidence, which we should otherways have had against that Party; though by chance he left enough to hang himfelf. And as their Power, or the Respect which was borne them, appeared in this; so their great Confidence in the never-to-be-forgotten Death of Sir Edmund-bury Godfrey, which doubtless they accomplished, (as to conceal Evidence, so to intimidate Justices and others from doing their Duty,) with great asfurance, that those who did it should never have been brought to Justice. And I must confess, we took a strange unheard-of way, either to do that, or prevent the going on of the Plot: For in October, after the Plot broke out, no less than fifty-seven Commissions were discovered for raising of Soldiers, granted to several Popish Recusants, with Warrants to muster without taking the Oaths of Allegiance and Supremacy, or Test; counter-figned by the then Secretary of State. Of which the Parliament taking notice, they were foon after dissolved, in the midst of the Examination of the B b b 2

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Anne 32 Car. II. Plot. And the next that was called, though composed of true English Gentlemen, as soon as they fell severe upon Po. pery, had no better success; certainly, Sir, not by the Pre-valency or Advice of any true English Protestants; and who then may be prefumed to have given fuch Advice, I leave to your Judgment. These two Parliaments being thus dif. folved, a third was fummoned, but was not permitted to fit, but, on the contrary, put off by feveral Prorogations. At which the People being discontented, their Fears and Jea. Joulies ariling from the Papilts increasing, from which they knew they could not be effectually secured but by a Parlia. ment; feveral Counties and Cities joined in peritioning his Majesty for a Parliament. But it being foreseen that every thing that tended to make way for the Meeting of Parlie. ments, was dangerous, fuch was the Influence of that Party, as that they obtained a Proclamation, penned I think by Coleman himself, or by somebody that had no more lovefor the Protestant Religion than he, forbidding petitioning as And that nothing should be feditions and tumultuous. wanting to flew their Power, at length, by the Endeavours of some great Men, some credulous and ambitious Men were drawn in to be Abhorrers. Good God! Where were these Men's Senses, that in a time when the Nation was in fuch imminent danger, there should be any good Protestant that should abhor petitioning for a Parliament? But I hope this House will have a time to speak with those Gentlemen, and mark them with the Brand they deserve. And now that it was found, that there were a good, easy fort of credulous People that might be wrought upon, it was thought high time to have a Counter-Plot, that might swallow up that of the Papists, and restore them to their former Credit. How far this was carried on by good Men and bad, I am loth to particularize; but I cannot but observe, that Dangersield had more Money and Encouragement given, while he was carrying on of that Plot, than I could ever hear he hath had fince the Discovery of it. But though it be not strange, that the Papists should be so wicked, as to contrive such a Design, for the casting of the Plot upon the Protestants; though with the Loss of so many honest Mens Lives, as was intended; yet it is strange to see how willing many Protestants, especially of those who have reason to think themselves of the best fort, were to believe it; and how little pleased with Dangerfield, for the great service he did in discovering that wicked Plot. So powerful and so lucky are the Popish Party, in infusing of Animosities amongst us, tending to divide us, and fo willing are we to entertain them to our Defiruction. And as the Popish Party have been very indufirious in the contriving of Reports and Plots, to remove the

ill Reports they lie under, and have had a great influence Anno 32 Caralle in managing of Parliamentary Affairs; so we may presume they have had in the dispensing of Justice, as may appear by confidering what hath been done by our Judges of

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'At Wakeman's Trial, those Persons who at former Trials had been treated with that respect that is due to the King's Evidence, and whose Credit and Reputation had stood clear without Exception in all other Trials, were now not only brow-beaten, but their Evidence presented to the jury as doubtful, and not to be depended on; and fo at all other Trials of Papifts from that time forward. By which many of the greatest Offenders were quitted and cleared as to the Plot, and those that were brought for defaming the King's Evidence, and fuborning Witnesses in order thereto, very kindly treated, and discharged with easy Sentences, especially if Papists; but if Protestants, though only for printing or vending fome unlicensed Book, were imprisoned and largely fined. But I beg leave to particularize in the Case of one Carr, who was indicted for printing a weekly Intelligence, called, The Packet of Advice from Rome; or, the This Man had a strange knack of History of Popery. writing extraordinary well upon that Subject, and the Paper was by most Persons thought not only very ingenious, but also very useful at this time, for the Information of the People, because it laid open very intelligibly the Errors and Cheats of that Church. However, upon an Information given to the Court of King's-Bench against this Carr, this Rule was made:

Ordinatum eft, quod liber intitulat' The Weekly Packet, &c. non ulterius imprimatur, vel publicetur, per aliquam personam quamcunque. Per. Cur.

'I think it amounts to little less than a total Prohibition of

printing any thing against Popery.

'The true English Protestants being thus prevented of having Parliaments to redrefs their Grievances, and to fecure them against the Fears of Popery, as also from petitioning for Parliaments, or writing for the Protestant Religion, they had Recourse to their old Way of presenting Grievances by Juries. But Advice being given, that some great Papists were concerned in the Presentment, particularly the Duke of York, the Jury was dismissed in an extrajudicial Manner, and so no Remedy in the World allowed for poor Protestants. What an unhappy Star were we born under, that Things should be thus carried against us, in the whole Course of our Government, whilst we have a wise Protestant King over us? What may not be expected under a Popish King, if it should be our Misfortune to have any? And therefore, I think,

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Ralph Montagu.

Anno 12 Car. II. think, Sir, we ought to endeavour to prevent it, by confult. ing in the first place how to suppress Popery, and prevent

popish Successor, which is my humble Motion.'

Mr. Speaker, Sir, you have heard what an influence the Popish Party hath had in the Management of all our Affairs of greatest Importance, almost ever fince his Majesty's happy Restoration; how the making of Peace, or War, or foreign Alliances, hath been over-ruled by that Party, to the great danger of the Nation, and Protestant Religion both at home and abroad: Infomuch as it may be juftly feared, that there is a general Defign to root out that Religion from the face of the Earth; which may not be difficult to be done, if by establishing Popery here, Assistance to the Protestants abroad may be prevented; or by destroying the Protestants abroad (which are so many Bulwarks to us) we should be left to refift alone. You have also heard how that Party hath influenc'd the Resolutions made touching Parliaments and Affairs here at home. The truth is, Sir, that Interest is crept into our Court, and hath a great power in our Councils; it is crept into our Courts of Justice, and hath a great Command in our Army, our Navy, our Forts, and our Castles, and into all Places upon which our Security depends. And it is impossible it should be otherwise, as long as we have a Popish Successor, and that Party the Hopes of a Popish And I humbly conceive that it is very obvious, that as long as that Party hath fuch a power, not only our Religion, but the Life of his Majesty, and the whole Government, is in danger. And therefore I think we cannot better comply with our Duty to our King and Country, than in refolving to use our utmost Endeavours to extirpate Popery, and prevent a Popish Successor; and therefore I would

defire you would be pleased to put the Question.'
Resolved, nem. con. That it is the opinion of this House, that they ought in the first place to proceed effectually to sup-

press Popery, and prevent a Popish Successor.

Hugh Boscawen Efq;

The 27th of October, 1680. 'Mr. Speaker, Sir, yesterday you made a Resolve, declaring what you intended to do in reference to Popery; by which you may conclude, you have made many Enemies at Court, or of fuch as usually frequent it. And it may justly be expected, that they will rather use their Endeavours to destroy you, than permit you to destroy them. And if we may take our Measures from the Power they have discovered, in the Dissolution of the last Parliaments, and many Prorogations of this, in a time when there was never more need of the fitting of Parliaments, because of the great danger that did arise from that Party, we may conclude, it may be possible for them to do the like again. Therefore, that we may not

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be wanting in doing what we can, in order to create in his Anno iz Car. It. Majesty a good Opinion of this House; let us make an humble Address to his Majesty, to assure him of our Loyal-ty, and Readiness to stand by him with our Lives and Fortunes. And, that, when his Majesty shall be pleased to Moves for an grant us fuch Bills, as are absolutely necessary for the Se- Address to procurity of the Protestant Religion, we will be ready to supply mise a Supply. him, with what Money his Occasions may require for the support of his Government, and the Protestant Religion both at home and abroad.

Sir, I do not move this without fome Reason: I am jealous that those which are for the Popish Interest, do endeavour to represent this Parliament to his Majesty as fanatical and feditious; that we will do nothing but arraign his Government, wound his Ministers, destroy his Brother, and endanger his Royal Person; and that no Supplies can be expected from us. Which false Suggestions of that wicked Party, we may do well to prevent. And therefore, I humbly move you, that a Committee may be appointed to draw up some such Address upon the Debate of the House."

To which several Persons made Opposition, alledging that It is oppos'd in the late long Parliament, they had often been drawn in, to give Money by such Addresses; and that, in that Parliament no fuch Addresses were ever made, but it ended in Money; because the Word of a House of Commons pledged to the King, is always to be understood, as may best preferve the Reputation of the House, which ought to be kept

inviolable. It was answered, That it was not strange that it was so in the long Parliament, being composed of so many Pensioners, who were to have a Share of what they gave; but the case being now altered, and the Parliament composed of Persons that disdained such wicked Practices, and the House being Masters of their own Votes, there could be no Danger of making fuch an Address in that House.

Resolved, That an Address be made to his Majesty, de- And carry'de claring the Resolution of this House, to preserve and support the King's Person and Government, and the Protestant

Religion at home and abroad. 'Mr. Speaker, I crave leave to mind you of a great In- Sir Gilbert fringement which hath been made of the Liberty of the Gerrard. Subject, fince the last Session of Parliament. Sir, many good Protestants thinking it very strange, that two Parliaments should be dissolved, without doing any thing material against Popery, and a third fo often prorogued in a Time of fuch imminent Danger; and foreseeing the Ruin such Delays might bring upon them, resolved to petition his Majesty; and accordingly in feveral Counties and Corporations, Peti-

tions,

Anno 12 Car. H. tions, humbly praying his Majesty to let the Parliament fit. were drawn up, and figned by many thousands of his Ma. jesty's good Subjects, in a peaceable and quiet Way, and delivered to his Majesty by no greater Number of Persons than is allowed. But although this was conformable to Law. and the Duty of good Subjects, confidering what Danger his Majesty's Person and the Protestant Religion was in, yet it was traduced to his Majesty as seditious and rumultuous, and forbidden by a Proclamation, and great Affronts and Dif couragements given to fuch, as either promoted or delivered the faid Petitions; and at last several Persons in many Places were fet up to declare at the Affizes, and other public Places, an Abhorrency and Deteftation of fuch Petitioning.

' Sir, I humbly conceive the Subjects of England have an undoubted Right, to petition his Majesty for the sitting of Parliaments, and redreffing of Grievances; and, that confidering the Circumstances we are under, we have no Reason to lose it. If it should be our Unhappiness to have a popish King, may he not be furrounded with Popish Counsellors, so as that poor Protestant Subjects may be debarred of all other Ways whatfoever of making known our Complaints to him; and must we lose this too? Sir, I think it is so necessary, and material a Privilege to the Subject, as that we ought, without loss of time, to affert our Rights to it: and therefore I humbly move you to make some Vote to that Purpose.

Sir Francis Winnington.

the Subject.

Mr. Speaker, Sir, I am not only of Opinion with that worthy Member that spoke last, as to making a Vote for asferting the Right of the Subject to petition their Prince, but also for chastizing of those who have been so wicked and abominable, as to traduce it and abhor it. And to that purpose, I think, Sir, it will be convenient that we find out who advised or drew that Proclamation against it, and examine how a Petition that was made in Berkshire, was ordered to be taken off the File at a Quarter-Seffions, if worthy to be so called, there being but four Justices of the Peace, and two of them such obscure Persons as I cannot get their Names. And also make some Inspection into those Addreffes that have been made against Petitioning, and by whom contrived, figned, or delivered. But this must be a Work of time; for the present, I humbly move you to pass one Vote to affert the Right of the Subject to petition the King, another of Censure on those Persons that have traduced it, and to appoint a Committee for your farther proceeding herein.'

Resolved, That it is, and ever hath been, the undoubted Petitioning the Right of the Subjects of England to petition the King, for King, voted to Right of the Subjects of England to petition the King, lot be the Right of the Calling and Sitting of Parliaments, and redreffing of

Grievances.

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Refilived, That to traduce such Petitioning as a Violation Anno 32Car. 11, of Duty, and to represent it to his Majesty as tumultuous or feditions, is to betray the Liberty of the Subject, and contributes to the Delign of subverting the antient legal Conftitution of this Kingdom, and introducing arbitrary Power.

Resolved, That a Committee be appointed to enquire after all fuch Persons, that have offended against the Right of the

Subject.

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'Mr. Speaker, Sir, I am very glad these Votes have past Silas Titus so unanimously; for Popery and Arbitrary Government can never be fet up in this Nation, if we could be fure of frequent Parliaments. And therefore the afferting of the Right of the Subject in any thing which tends to that, may be of great use to this Nation. But, Sir, seeing you have taken this Buliness into your Confideration, I think we may do well to go a little farther with ir, even at this time. I am informed some Members of the House are guilty of having acted contrary to those Votes; and I am of Opinion, that as they were not willing that we should fit here; so that we should be as willing not to have them fit amongst us. For, if it were a great Crime in others, much more in those that were chosen to affert the Rights and Liberties of the People. is very unlikely that Men of fuch Principles should make good Parliament-Men; and I think it will very well confift with the Justice of the House, to begin with a Reformation amongst ourselves; and therefore I humbly move we may first proceed against such."

Being commanded to name fuch Members, he named Sir Francis Withins, who not being in the House, was or-

dered to attend the next day.

The same day, the House agreed, nem. con to the following Address: 'May it please your Majesty, We your Ma- An Address for jesty's most duriful and loyal Subjects, the Commons in Par- Pardon, to such liament affembled, being highly zealous for the Preservation as should make Discoveries of of the Protestant Religion, your Majesty's Person and Go- the Plot. vernment; and, refolving to purfile with a first and impartial Enquiry into the execrable Popish Plot, which was detected in the two last Parliaments, and has been supported and carry'd on by potent and restless Practices, and Machinations, especially during the late Recesses of Parliament, whereby feveral Persons have been terrify'd and discouraged from declaring their Knowledge thereof; do most humbly befeech your Majesty, That, for the Security of such Perfons who shall be willing to give Evidence, or make farther fatisfactory Discovery concerning the same, to this House, your Majesty would be pleas'd to issue out your Royal Proclamation, affuring all the faid Persons of your gracious TOME I. Ccc

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Anno 32 Car. H. Pardon, if they shall give such Evidence within two Months 1680. after the date of fuch Proclamation.'

His Majeftv's Answer.

To this Address his Majesty was pleas'd to reply, 'That he did intend to direct fuch a Proclamation, and was re-' folv'd not only to profecute the Plot, but Popery also: And to take care of the Protestant Religion establish'd by Law: And, that if the House join'd with him, and went calmly on in their Debates, without Heats, he did onot doubt, but to beat down Popery, and all that belong'd to it.'

The 28th, It having been prov'd, That Sir Robert Can, a Member, had publicly declar'd, That there was no Popish. Plot, but, a Presbyterian-Plot; and having, in his Defence, utter'd several reflecting Words against Sir J. Knight, another Member, who confirm'd the Evidence against him, the faid Sir Robert Can was first order'd to the Tower, and

then expell'd the House.

Sir Robert Can expell'd. A fecond Addrefs.

The 29th, The House agreed, nem. con . upon the following Address to his Majesty: 'May it please your most excellent Majesty: We your Majesty's most dutiful, &c. do with thankful Hearts acknowledge not only your Majesty's many former Royal Declarations of your Adherence to the Protestant Religion, in the Preservation and Protection thereof, but your farther Manifestation of the same, in your most gracious Speech to both Houses, at the Opening of this present Parliament, in which your Majesty is pleas'd to command us, strictly, and impartially, to profecute the horrid Popish Plot; without which, we do fully affent to your Majesty's great Judgment, that neither your Majesty's Person, nor Government can be safe, nor your Protestant Subjects; it being Part of the Religion of Popery, whereever it can obtain, to extirpate all Protestants both Prince and People, which have caus'd in the Times of your Royal Ancestors, fince the Reformation, that great Care to oblige their Subjects, against their Return to the Papal Yoke, in the very fame Oaths, wherein they fwear Allegiance to the Prince: And, as now the Eyes of all Protestant Kingdoms and States abroad, are upon us, and looking upon your Majesty, as the Royal Head of so many Protestant Countries, cannot but hope (upon a happy and folid Security in our Religion at home) that your Majesty will be the greatest Protection to them, from whom we may expect a mutual Assistance, as being involv'd in the same common Danger: As, we do humbly affure your Majesty, That we shall be always ready to preferve your Majesty's Person and Government; and to support the Protestant Religion, both at home and abroad; and, do humbly befeech your Majesty, to esteem

all Persons whatsoever, who shall otherwise represent us to Anno 32 Car. II. your Majesty, as those who design to divide the Union between the King and his People, and defeat the Meeting and Sitting of Parliaments, that those Popish Designs may facceed, which they know cannot otherwise prosper; and, this they have made most undeniably evident in the Interval of Parliament, by contriving with unparallel'd Infolence, and most damnable and wicked Designs, to transfer their own Crimes upon fo many of your Majetty's Subjects, loyal Protestant Nobility and Gentry, hoping thereby to destroy those who with the greatest Zeal and Integrity, endeavour to discover and prosecute them.'

To this Address, the King was pleas'd to answer as

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m Gentlemen,

I thank you very kindly, for your great Zeal for the The King's Protestant Religion: And I do affure you, there shall be Answer. nothing wanting on my Part, abroad, or at home, to preferve it.

The fame day, the House Resolved, as follows:

That Sir Francis Withins, by promoting and prefenting to his Majesty an Address, expressing an Abhorrence to petition his Majesty for the Calling and Sitting of Parliaments, hath berray'd the undoubted Rights of the Subjects of England.

They then Ordered, That the faid Sir Francis Withins Sir Francis be expell'd the House, for this high Crime. And, that he Withins exdo receive his Sentence at the Bar of this House, upon his pell'd. Knees, from Mr. Speaker, which was done accordingly.

The 30th, The House Resolved, for the first time, That Votes first ortheir Votes should be printed, being first perus'd and sign'd der'd to be by the Speaker: And, That the Speaker nominate and ap- printed.

point Persons to print the same. Nov. 1. Mr. Trenchard acquainted the House, from the Mr. Trenchard. Committee, appointed to enquire after such Persons, as have offended against the Right of the Subject, to petition the King, for the calling and fitting of Parliaments, That Information was given to the faid Committee, that the Lord Paston, Sir Robert Malverer, Sir Bryan Stapleton, Mr. Taylor and Mr. Turner, Members of the House, had difcourag'd petitioning to his Majesty, for the calling and fitting of this Parliament; and had made Addresses to his Majesty, declaring their Diflike of fuch Petitions; and defired the Directions of the House how they should proceed therein.

Ordered, That the faid Committee do receive fuch infor- against Monnie mations as shall come before them against the said several bers, who had Members, and all other the Members of this House, that King, against

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Order to proceed have Parliaments.

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Anno 32 Car. II. have offended therein, and make Report hereof to the

Sir Francis Winnington.

Mr. Treby.

Votes against

the Duke of

York.

The 2d, Sir Francis Winnington made a Report of what was found in the Lords Journal relating to the horrid Popish Plot.

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Mr. Treby reports what by order of the fecret Committee he reported to the last Parliament relating to the Po.

pifh Plot.

After some Debates thereupon, Resolved, 'That the Duke of York's being a Papist, and the Hopes of his coming such to the Crown, hath given the greatest Countenance and Encouragement to the present Designs and Conspiracies a gainst the King and Protestant Religion.'

Resolved, 'That, in Defence of the King's Person and Government, and Protestant Religion, this House doth declare they will stand by his Majesty with their Lives and Fortunes; and that if his Majesty should come to any violent Death, which God forbid, they will revenge it to the up-

most on the Papists.'

'Mr. Speaker, Sir, I have observed from the Reports that have been read, and all the Evidence that I have heard about the Popish Plot, that it hath its Original, as you have voted, from James Duke of York; and it is not probable, in my Opinion, that the Popish Interest can ever decline, as long as there is a Popish Successor, and they have such Hopes of his coming to the Crown; and therefore I humbly more you, that a Committee be appointed to draw up a Bill to disable James Duke of York from inheriting the imperial Crown of this Realm.'

Lord Ruffel.

Silas Titusa

'Mr. Speaker, Sir, if we consider the Train of ill Confequences, that attend the having of a Popish Successor, and the certain Miseries that must fall on this Nation, if ever we should have a Popish King; and how impossible the one, or improbable that the other can be prevented, but by disnheriting the Duke of York: I think that as we cannot disagree, as to the sadness of our Condition, so it will be hard to find out any other Way to secure us; and therefore I second the Motion that was made by that worthy Member, that a Committee be appointed to bring in a Bill to disinherit James Duke of York.'

William Har-

Mr. Speaker, Sir, we shall do ill to be mealy-mouthed, when our Throats are in such danger; therefore I will not be afraid to speak out, when speaking plain English is necessary to save our King and Country. Have we not heard, and is it not apparently true, that Peace and War, foreign Alliances, Meetings, Dissolutions, and Prorogations of Parliaments, Trials at Westminster-Hall, Resolutions in Council, and other Things of Importance, have been influenced by

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a Popish Party, or Interest? And can we, Sir, imagine that Anno 32 Car. 11. these great Things should be done by a less Man than James Duke of York? Hath not the Examination of the Plot, in which the King's Life and all our Safeties is fo much concerned, been kept off to Admiration, and the Witnesses difcouraged even to Despair? Have not Counter-plots been set up, and carried on with a strong Hand, and false Witnesses in abundance, to destroy the true ones? From what Cause can fuch strange, unheard-of Effects proceed, but from the Power and Influence of a Popish Successor? And we have no great reason to admire it, if we consider how usual it is for Politicians to be given to Flattery, and to be led by Ambition, and how natural it is for Courtiers and great Ministers of State to worship the rising Sun. And, Sir, is it not easy to foresee what great Miseries may come to this Kingdom by fuch kind of Managements? Can any Man imagine, that, as long as there is a Popish Successor, there will not be a Popish Interest, and that by his Assistance it shall not be strong enough to contest with the Protestant Interest? Or rather, have we not seen it for many Years already? And how can it be otherways, as long as no Office. fmall or great, is disposed of without his Approbation; no. not so much as Preferment in our Protestant Church? And I think, unless you can destroy that in which the Interest centers, you will never destroy the Interest itself.

'Sir, I have no Ill-will for the Duke's Person, but rather a great Veneration, as he is descended from our past, and as Brother to our present King. But I think it ought not to stand in competition with my Duty to my King and Country, which can never be fafe as long as this Interest is so predominate. And I think there is no other Way to suppress it. but by going to the Roots first: and therefore I agree in the Motion that hath been made, for appointing a Committee to

bring in a Bill to difinherit James Duke of York.'

'Mr. Speaker, Sir, I agree with those worthy Members, William Gee. that have spoke to this present Business, that Popery hath for a long Time had a great Influence in the Management of our Affairs; and that the Protestant Religion and Government of the Nation is much in Danger thereby. hope that the Prudence of this House may find out some Expedient to fecure the Nation, more likely to be brought to Perfection, than this of the Exclusion Bill. We all know, that his Majesty in his Speech at the opening of the Session, and formerly, hath declared, that he will consent to any thing you shall ofter for the Security of the Protestant Religion; provided it confift with preserving the Succession in the due legal Course of Descent. As his Majesty is graclous to us, fo I know we are all willing to carry ourselves

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Аппо заСау. П. 1680.

with all Respect and Duty to him; he offers you to consens to all other Ways you can propose, but seems resolved not to consent to this Way you are now upon. For my part, Sir, I am more afraid of an Army without a General, than of a General without an Army; and therefore I think, that if, instead of ordering a Committee to bring in a Bill for difinheriting of the Duke, you bring in a Bill for banishing all the Papists out of the Nation, and other Bills for the having of frequent Parliaments, and to secure good Judges and Justi. ces, that so the Laws you have already, as well as what more you may make, may be duly executed, it may do as well. and be more likely to have good Success. And therefore I would humbly move you, that we may try these other Ways, and not offer to put this Hardship upon his Majesty, seeing he hath declared against this Bill, lest, by displeasing his Majesty, we should interrupt all other Affairs, which at this Time may be very unfortunate to this Nation, and our The Eyes of Christendom are upon the Neighbours too. Success of this Meeting, and the Peace, Quietness, and Honour of the Nation much depends thereon; and therefore, if the going on with this Bill should occasion a Breach, (which for several Reasons I am much afraid of) it may prove one of the greatest Misfortunes that could befal us. Sir, Moderation in all Things will always become this House, but especially in a Bufiness of so high a Nature. The Duke hath not yet been either heard or found guilty, how can we then answer the paffing of so severe a Sentence? We ought to be very careful in a Business of this Nature, that we do nothing but what we may be able to answer to the whole World. And therefore, Sir, I think that feeing his Majesty hath declared, that he will not agree with us in this Bill, and other Bills may be as effectual; I would humbly move you to think of some other Way, and for that Purpose to appoint a Day to have it debated in a Committee of the whole House.

Sir Henry Capel. Mr. Speaker, Sir, I cannot agree with that worthy Member that spoke last, and yet I have formerly given some Proof that I have been for Moderation, and God willing shall always be for it, when it may do good. In the two last Parliaments I did so argue for Moderation, that many of my Friends told me, that I had deserted the true Interest of my King and Country; but as the Loyalty which I pretend to derive from my Birth, made me slight such Surmises, so it shall always preponderate with me in all my Actions Sir, I am of Opinion that this is a Case, in which there is no room for Moderation, if by Moderation be meant the making of any other Law for the Security of our Religion. Because, according to the best Judgment I can make, upon a

full Confideration of the Matter, all other Bills that can be de- Anno 32 Car. H. fired without this Bill, will not prove effectual; but will leave us in that unhappy Condition, of contesting with the Influence of a Popish Successor, during the King's Life. and the Power of a Popish King hereafter. Of what Danger this may be to his Majesty's Person at present, and the Protestant Religion for the future, I leave to every one to judge. It hath been faid, that take away the Army, and you need not fear the General; but I fay, that a General that hath the Power of a King, will never want an Army. And our Condition is so bad, that I am afraid we shall not be fafe, without being free of the General and Army too; which I think, Sir, as the Case stands, we ought in Prudence to do, or else I am afraid we shall give but a bad Account to our Country, of having done any thing to the Purpose for the securing of our Religion. And therefore I am of Opinion you are under a Necessity of having this Bill brought in.

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'Mr. Speaker, Sir, I observe that the Arguments that Silas Titus, have been offered against the bringing in of this Bill, are founded on his Majesty's Speech, and on a Supposition that other Bills may be as sufficient for our Security, and more facilly obtained, feeing his Majesty hath so often declared, that he will not confent to the altering the Succession from its legal Course of descent. Sir, the King calleth his Parliament to give him Advice, and they cannot therein be restrained, but may give any Advice which they think may be necessary for the Security of his Person and Government. And it hath oftentimes happened, that Parliaments before now have many times offered fuch Advice to the Kings of this Nation, as hath not been grateful to them at first, and yet, after mature Deliberation, hath been well-received, and found absolutely necessary. When Clifford, or who else it was, had persuaded his Majesty to grant a Toleration in 1672, and to tell the Parliament in his Speech then made to them, that he would fland by it, and make it good; yet that House of Commons finding it of dangerous Consequence, and humbly offering such their Advice to his Majesty, he was pleased, notwithstanding the said Speech, to cancel the faid Toleration. And if he had not, as we are in a bad Case now, so we might have been in a worse then. For aught I know, if that House of Commons had been so great Courtiers, as not to have concerned themselves in that Toleration, because of his Majesty's Speech, the Nation might have been ruined by Papifts before this. And I think we are now under as great Danger, and I hope we shall not be less couragious, nor true-hearted. If a Man were sick of a Pleurify, and nothing could fave his Life but bleeding, would

Anno 72 Car. H. would it not be strange if his Physician, after having pretended that he is hearty for his Cure, should allow him all other Remedies but bleeding? Norhing like this can be prefumed of his Majesty, of whose Wisdom and Goodness we have had so great Experience. And as to the second Branch of the Supposition, that other Laws may secure us as well, I have not heard any Arguments offered to make it good, and I must confess I cannot apprehend there can be any. I am fure the Experience of former Times shews us the contrary. It is plain from them, that Popish Princes have not thought themselves bound by any Laws against the Interest of the Church; and our Fore-fathers have found to their forrow, that the Strength of our Laws were not fufficient to defend them against Popish Tyrannies. For no Prince of that Religion ever yet thought himself bound to keep faith with Hererics. After Queen Mary had feriously pledged her royal Word to the Suffolk-Men, to allow them their Religion, by which they became the greatest Instruments of putting the Crown on her Head; did fhe not in return put the Crown of Martyrdom on theirs? All other Laws that you can propose in this Case, must be grounded on some Trust or Fidelity that must be reposed in that Party, for which no Argument can be given, but that they never kept any faith with Heretics, and therefore that we may do well to try what they will do. This I might prove by a fad, melancholy Account of the Massacres at Piedmont, Paris, and Ireland; but I suppose the History of them is well known to every one here, and therefore I will not trouble you therewith.

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'We are advised to be moderate, and I think we ought to be fo; but I do not take Moderation to be a prudent Virtue in all Cases that may happen. If I were fighting to save my Life, and the Lives of my Wife and Children, should I do it moderately? If I were riding on a Road to fave my Throat from Thieves, and I should be advised to ride moderately, left I spoiled my Horse, would not such Advice feem strange at such a Time? And so certainly would it be, if I were in a Ship, (which may well be compared to a Commonwealth,) and it were finking, would not the Advice to pump moderately, for fear of a Fever, feem strange? But, Sir, I admire, feeing Moderation is fo much talked of, of late, and so much recommended, Why there cannot be other Objects found out, on whom to place it, as well as on the Papists. I know not why it should not be as agreeable to Christian Charity, and more for the Protestant Interest at this time, because it may tend to Union, to place it on the Protestant Dissenters, seeing we agree with most of them in Points of Faith, and only differ about a few Ceremonies.

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The moderatest and meekest Man that ever was, seeing an Anno 12 Car. II. Egyptian struggling with an Israelite, slew the Egyptian; but at another time feeing an Israelite struggling with an Israelire, it is recorded in Holy Writ, he parted them, faving they were Brethren. Of late many are at work to perfuade us, that the Church liath no Weapons but Prayers and Tears; this is a Notion come up amongst us fince the breaking out of the Plot, and, as far as I can observe, is only to hold good against Popery, for against Protestant Dissenters we have always had, and can still find, other Weapons. Sir, I will not trouble you farther, but conclude with my Motion for bringing in of the Bill."

H. made a Speech reflecting on the Duke and Lord Clarendon, for making up the match for the King, as if they did it because they foresaw that the Queen would have no Children, and particularly on the Duke, for the Loss of my Lord Sandwich, for clearing of Persons taken in the Fire of London, the Death of Sir Edmundbury Godfrey, &cc.

'Mr. Speaker, Sir, I am forry to see a Matter of so Laurence Hydel great Importance managed in this House with so much Bitterness on the one Hand, and with so much Jesting and Mirth on the other; I think it is a ferious Thing we are about, and that more Gravity would very well become, not only this House, but the Subject of the Debate also. It is to me very unpleasant, to hear a Prince, that hath so well deserved of this Nation, by fighting our Battles, and so often appearing for us in War, so upbraided. I am apt to think he was far from being of opinion, the Queen would have no Children, and that he scorned any of those other Actions that have been laid to his Charge; and therefore to hear fuch Things faid, is a great Provocation. But, being I know where I am, I will lay my Hand upon my Mouth. But I hope you will pardon me, if, to comply with the Obligation of Nature, I declare myself much concerned to see the Ashes of my dear Father thus raked out of the Dust, and to hear his Memory blasted by an Astirmation which cannot be proved: Because I am confident he was not guilty. He and his Family suffered enough by his Misfortunes, occasioned by dark Interests and Intrigues of State. Many think he was severely chastised while living; I am forry to see that some others cannot spare him though dead. But, for my comfort, I have heard that he was a good Protestant, a good Chancellor, and that we have had worse Ministers of State since. But I will not trouble you farther, but apply myself to the Businels under Debate. Sir, I am of Opinion, that the bringing in of this Bill will be a great Hindrance to the Bulinels of the Nation, and not attain your End. And also, I am concerned for the Justice of the House; for though the Duke TOME I. Ddd deferve

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Anno 12 Car. II. deferve great Mortifications, because he hath given so great a Suspicion of his being inclined to that Religion, and I believe doth not expect to come now to the Crown, on such Terms as formerly, but with fuch Limitations as may fecure the Protestant Religion; yet I think it very hard for this House, to offer at so great a Condemnation without hearing the Person concerned, or having had any preceding Process. For my own part, I make it a great Question, when ther it would be binding to him, or a great many other loval Persons of this Nation; and if not, it may occasion hereaf. ter a civil War. And without any just Fear, or Cause; for the King may very well out-live the Duke, and then all that we are about would be unnecessary; and why should we to prevent that which may never happen, attempt to do that which we can never answer, either to our King or Country? I cannot apprehend that our Case is so desperate, but that we may fecure ourselves some other way, without overturning Foundations. I cannot fear a General without an Army. By ridding ourselves of all other Papists, we may be safe, making fuch other Laws to bind the Duke, as may be necesfary, by the Name of James Duke of York; which, and the fmall Revenues which belong to the Crown, without the Affistance of Parliaments, with such other Laws as may be contrived, I humbly conceive may be fufficient for our Security; and therefore it ought to be confidered in a Committee of the whole House, that such as are for these Expedients, may have more freedom of Debate.'

Silas Titus.

' Mr. Speaker, Sir, I must beg your Leave to speak again, according to the Orders of the House, being reflected on. I can affure you, Sir, that what I have faid upon this Subject, is so far from proceeding from a merry, jolly Humour, that it is rather from as great Sorrow as ever my Heart endured; being very sensible what Dangers we have undergone, and what Miferies we may hereafter fuffer, by means of the Duke's being of this Religion. I hope, Sir, that Offences that proceed from natural Infirmities, will always find a favourable Construction in this House. If that honourable Member that spoke last, had but considered, that all Men have not that good Fortune to be born, with fuch a grave, majestic, sober Aspect as that (let them say what they will, it looks serious and weighty) he would not have been offended at my Discourse; but, Sir, for the Satisfaction of the House, that I am not in jest in this Business, I do declare, that I should be very forry to be thus jested with myfelf.

Sir L. Jenkins

Mr. Speaker, Sir, the Question that ariseth from this Debate is, whether we had best proceed by an Extremity, or by Expedients. For I look on this Bill to be of the high-

eft Nature that ever was proposed in the House of Commons, Anno 32 Car. II. and the greatest Extremity imaginable, which I humbly conceive we ought not to proceed to, until we have made some trial of Expedients, which will be very useful. For it will give a great Satisfaction, not only to his Majesty, but to all other Persons in general that are against this Bill, by which the World will see that we were very cautious, how we offered at fuch an Extremity, and that we did not do it, until we had found all other Ways and Means whatfoever infufficient. I must confess, Sir, I think such a Bill would be against Law and Conscience, and that nothing less than an Army will be necessary to support it; and therefore I humbly move you, that we may debate this Bufiness in a Committee.

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'Mr. Speaker, Sir, I admire to hear that honourable Col. Birch. Member make a Doubt as to the legality of this Bill; certainly, Sir, our legislative Power is unbounded, and we may offer to the Lords, and so to his Majesty, what Bills we think good. And it can as little be doubted, that the legislative Power of the Nation, KING, LORDS, and COM-MONS, should want a Law to make Laws; or that any Laws should be against what Laws they make; otherways they cannot be legally opposed. And as I think it cannot be against Law, so neither against Conscience, unless it could be made out, that we ought in conscience to bring in Popery. I should be very glad to hear any Arguments to make good what hath been offered about Expedients; but I am afraid, when they come to be examined to the Bottom, they will be found very infufficient, and that we may as well think of catching a Lion with a Mouse-trap, as to secure ourselves against Popery by any Laws without the Exclusion Bill. Have we not to do with a fort of People, that cannot be bound by any Law or Contract whatfoever? Much less can their Words or Promises be depended on. Are they not under all the Obligations that can be offered, from the Temptations of this Life, as of that to come, not to keep faith with Heretics, but to break it when it may tend to the promoting of the Catholic Cause? And if Laws cannot bind other Persons, much less will it Princes that are of the Catholic Religion? Did they ever keep any League or Contract that was made with Protestants, longer than was neceslary, in order to cut their Throats? What Use did the Papists make in Ireland of the Favours granted them by King Charles I? Did they not make use of it to the Destruction of the Protestants, by rising up in Rebellion, and massacring 100,000? Sir, I see Things go hard against Popery, I know not what to fay to it, but I am afraid that if we should be so infatuated, as to let it creep on more and more upon us, and Ddd2

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Anno 32 Car.II. at last let it ascend the Throne again, that we shall soon have the same miserable Fortune our Fore-Fathers had in Queen Mary's Days, and he burnt in Smithfield for our In.

discretion.

Sir, we are upon a Business of as great Importance as ever was debated within these Walls; for either we must fuppress Popery, or be suppress'd by it. For although that Interest do not look so big, as that of the Protestants, yet I plainly see, that it hath wrought like a Mole under ground for a long time, and that it hath eaten into our Bowels, and will foon come to the vital Parts of the Protestant Religion, and destroy it too, if great care be not taken, and that speedily. I hear some say, that our Cares are needless at this time, because the King may outlive the Duke; which is as much as to fay, there is no need of Laws against Popery, until we see whether we shall have occasion to make use of them, or no But they do not tell us how we should be fure then to obtain them. I must confess such Arguments are fo far from weighing with me, as that they increase my Fears, because it discovers a strange, easy, careless, indisferent Humour among us Protestants. Must our Lives, Liberties, and Religion depend upon may-be's? I hope it is not come to that yet: I am fure it will not confift with the Prudence of this Assembly to leave it so, but rather to endeavour to fettle this Matter upon such a Foundation, as may (with as much probability as human things are capable of) fecure us. I am of opinion, that fuch an Engine may be contrived, as should give such a whirle to the Popish Interest, as that it should never rise up against us again; I know of no Difficulty but the same which happened to Atchimedes, where to fix it. And I am not altogether at a loss for that neither; for so long as we have a good King, I will not despair. And, Sir, I cannot fear any of those things that are objected against this Bill, that it is against Law, and therefore will occasion a civil War: For my part I never will fear a civil War in favour of Idolatry, especially when we have gotten a Law on our fide to defend our Religion. Therefore I move you that the Bill may be brought in.'

'Mr Speaker, Sir, I have read in Scripture of one Man dying for a Nation, but never of three Nations dying for one Man; which is like to be our case. There hath been already so much said on this matter, and the Reasons that have been given for the bringing in of the Bill are so plain, that I should not have troubled you to have said any thing about it, but that I knew not how to have answered it to that great City for which I serve, not to have appeared in this Bufiness, in which the Protestant Religion is so much

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concerned. But, Sir, being I am up, I will beg leave to Anno 35 Car. 11. acquaint you, that I have been lately in company with a 1680. great many Persons, where I have heard the Duke cried up. and the King fo flighted, that I must confess they made me afraid, they had thoughts of acting over here what was lately done in Portugal. Believe it, Sir, many are very industrious to make an interest for the Duke; if we should not use our endeavours to keep up the King's Interest, and that of the Protestant Religion, I am afraid they will be encouraged to embroil us in Blood before we are aware of it. I have no patience to think of fitting still, while my Throat is cutting; and therefore I pray, Sir, let us endeavour to have Laws that may enable us to defend ourselves. And I know not how we can have any that are like to prove effectual, without this for excluding James Duke of York; and therefore I humbly move it may be brought in.

Mr. Speaker, Sir, I have by many Years Experience ob- Edward Sevserved, that it is very agreeable to the Custom, Pru-mour. dence, and Justice of this House, to debate all things very well before a Question is put, but especially of great Importance. It hath formerly been thought a great thing, and hard to be born by fome Princes, that any thing relating to the Prerogative of the Crown should be debated any where but in the Privy Council; and I have observed, that former Parliaments have done it with a great deal of Tenderness. And if so, well may a Bill that tends to the Alteration of the Succession, pretend to the Right of having a full and fair Debate, which I hope this folemn Assembly will not deny; many being to take their Resolutions from it in as great a Point as ever was debated in a House of Commons, for which we shall be answerable to our own Consciences, as well as to our King and Country. It is these great Considerations make me trouble you at this time, otherwise I might haply have been silent, because I am one of those that have been shot at by Wind-guns, which have prejudiced my Reputation; and therefore, until I should have had an opportunity to vindicate myself, and to shew that I am an Enemy both to Popery and arbitrary Government, I was more inclined to have been filent, and should not have troubled you, if the Nature of this Business had not laid on me a more than ordinary Compulsion. I do not doubt but every one that fits here is willing to take notice of what Arguments may be offered pro and con, it being the only way to pass a right Judgment in this matter, which is very necessary, because what Resolution you may take upon this Debate, will be examined not only within his Majesty's Dominions, but by most Princes and Politicians in Europe. And therefore that you ground your Resolution on such solid

Anno 32 Car. II. Reason, that may endure the Test of a plenary Examination, will be very necessary for the securing the Credit of

this House, of which I know you are very tender.

'Sir, I must confess I am very much against the bringing in of this Bill; for I think it a very unfortunate thing, that, whereas his Majesty hath prohibited but one thing only we should so soon fall upon it. I do not see there is any cause, why we should fear Popery so much, as to make us run into such an extreme. We are affured there can be no danger during his Majesty's Life, so, upon an impartial Exa. mination, we shall find there can be no great reason to fear it after his Death, though the Duke should outlive and succeed him, and be of that Religion. Have we not had great experience of his Love for this Nation? Hath he not always squared his Actions by the exactest Rules of Justice and Moderation? Is there not a possibility of being of the Church, and not of the Court of Rome? Hath he not bred up his Children in the Protestant Religion; and shewed a great respect for all Persons of that Profession? Would it not be a dangerous thing for him (I mean in point of Interest) to offer at any such Alteration of the Religion established by Law? Can any Man imagine that it can be attempted, without great hazard of utterly destroying both himself and his Family? And can so indiscreet an Attempt be expected from a Prince, so abounding in Prudence and Wisdom? But though we should resolve to have no Moderation in our Proceedings against Papists, yet I hope we shall have some for our selves. It cannot be imagined, that fuch a Law will bind all here in England, or any in Scotland; and it is disputed whether it will be binding in Ireland: fo that in all probability it will not only divide us amongst ourfelves, but the three Kingdoms one from the other, and occasion a miserable civil War. For it cannot be imagined, that the Duke will submit to it. And to disinherit him for his Religion, is not only to act according to the Popish Principles, but to give cause for a War with all the Catholic Princes in Europe; and that must occasion a standing Army, from whom there will be more danger of Popery and arbitrary Government, than from a Popish Successor, or a Popish King. Sir, it is very agreeable to the Weight of the Matter, and the usual Proceedings of this House, that this Business should be fully debated; and therefore I humbly move you it may be in a Committee.

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Sir Richard Graham made a long Discourse, shewing the Dangers and Miseries of a civil War, by a large Account of those between York and Lancaster. That this Bill, if it should pass, would lay a Foundation for such another. That it would not be binding either to Scotland or Ireland,

and so consequently occasion a Division between the three Anno 32 Car. Is. Kingdoms, which had formerly been the occasion of Wars and Miseries, as well as our own Divisions amongst ourselves. Then gave an historical Account, to make out how fatal Divisions had proved to other Nations, and instanced in Theodosius, and others. That he thought it absolutely necessary, (if this Bill must be brought in,) to prevent a civil War, that the Successor should be named; which would need a great deal of Confideration; and if to debate Business of smaller Importance, it is usual for the House to resolve itself into a Committee, how could it be answered, that it should not be done in a Business of so great Importance, that so Expedients might be offered and debated, with more Freedom and Satisfaction than it was pollible they could be in the House.

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'Mr. Speaker, Sir, I am of opinion, that Expedients in Sir William Politics are like Mountebank-tricks in Physic; as the one Pulteney. does seldom good to Bodies natural, so not the other to Bodies politic. Government is a weighty thing, and cannot be supported nor preserved but by such Pillars as have neither Flaws nor Cracks, and placed on a fure Foundation. And I am afraid, that all Expedients will be found to have far different Qualifications. I cannot foresee how the excluding of one Person, who hath a right to the Succession depending upon Contingencies upon fuch an account as this, should occasion a civil War; but rather do think there is a great deal more danger, not only of a civil War, but of our Religion and Liberty too, if we should not do it, and so have a Popish King. For I do believe, that such a King would foon have a Popish Council. For if there be eleven to seven now for the Interest of a Popish Successor, what may you not expect when you have a Popish King? And should you not then foon have Popish Judges, Justices, Deputy-Lieutenants, Commanders at Sea and Land; nay, and Popish Bishops For if there be none put into those Places now, that are for acting against a Popish Successor, well may we expect that none shall be put in then, but what are for a Po-And therefore I am aftonished to hear any pish King. Man, that pretends to be a Protestant, argue, that in such a cale we need not fear Popery; for it is indeed to argue for Popery, and must proceed from an Opinion that the Protestant Interest is very low, and not able to bear up any longer against Popery, or else that Protestants are very credulous and inconfiderate, and may be brought to destroy themselves with their own Hands. Must our Religion and Liberty have no Security but what depends on the Virtues and Goodness of a Prince, who will be in subjection to the Pope, and probably influenced by none but Jesuits and such Creatures?

Anno 32 Car. II. Will it feem strange that such a Prince should compose his Privy Council of Persons inclined to that Religion; or that he should employ none others as Judges, Justices, Sheriffs. or Commanders in any Place of Trust either at Land or Sea? And can we think that by the many Endeavours which will be used, that the common People will not be debauched, and either be mis-led, or made indifferent in a little while? Is it not in the power of the King to nominate his Counsellors, Judges, Sheriffs, Commanders at Sea and Land? And can it be imagined, that he will not take care to nominate fuch as shall be for his turn? Certainly, Sir, no Man can imagine that the Protestant Religion can long be preserved under such a King, but such as cannot or will not see at a distance, what a Change fuch a Scheme of Government will foon produce, and how likely it is that it will be fet up and practised, if ever we should have a Popish King. And as I do think that our Religion never can be secured without this Bill, fo I do not fear that it will occasion any civil War, or any Division between this Kingdom, Scotland or Ireland; but rather, I believe it will be a means to reconcile the Protestant Interest, and to settle the Government upon such a bottom as will prove invincible. In Scotland the major Part of the People hate Popery as well as we, and so do the Protestants in Ireland; and therefore certainly it will be their interest to join with us against a common Enemy, and And whereas it hath been fuggested, that not to divide. this Bill will engage us in a War against all Catholic Princes, I look upon it as a Bugbear, and do believe that we shall gain many Friends by being fettled, as we may by having this Bill; because then we may be formidable to our Enemies, and serviceable to our Allies; but never without it And, Sir, this is not to difinherit a Man for his Religion, but because he hath rendered himself uncapable to govern us, according to our Laws, which, whether it proceed from his Religion, or any thing else, is all one to us. His being uncapable, is the ground for our Proceedings, having no other way to preserve ourselves. Upon the whole matter, I do conclude, that a Popish King and a Protestant Religion are irreconcilable, and have no reason to fear a civil War, so long as we have a Law for our Defence, and a Protestant King to head us; which we cannot expect without passing some such Bill as this under Debate. And therefore I humbly move you it may be brought in.

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Daniel Finch.

'Mr. Speaker, Sir, the Buliness you are debating is of so high a nature, that I cannot tell how to speak to it, without Fear and Trembling. To go about to alter the Succession of the Crown, must be of great concernment to all Englishmen, and therefore ought to be confidered with a great deal

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of Deliberation, for which the Justice, Prudence and Usage Anno 32Cir. 11. of this House calls aloud, there never having been any Bufiness debated in this House, in which so much Care was required. Sir, I am unfatisfied with myself, how we can in Justice pass any such Bill as is proposed; for I never heard of any Law, which made an Opinion in Religion a Cause to be disposses'd of Right: in former times it was not fo, though there were Princes and Emperors that were Apostates. And Queen Elizabeth would not allow of putting any fuch thing in practice, but rather chose to proceed against Mary Queen of Scots, according to the settled Laws of the Nation. This Nation hath been so unfortunate as to cut off one King already, let us have a care how we cut off the Right of another. There is a possibility that the Duke may return to the Protestant Religion, let us not exclude him from fuch Temptations as may be convenient to reduce him. But, whatever should be your Resolution ar last, I humbly conceive there can be no reason given, why a Bufiness of this Weight should not be debated in a Committee, before you vote the bringing in of the Bill, that so the Validity of fuch other Expedients as may be proposed, may be examined, and the Reasons for and against this Bill be digested as they ought to be. How shall we otherwise answer it to his Majesty, who hath offered you every thing but this? If there were a Motion made for a Bill to give Money, would it not probably be debated in a Committee? By this Bill we are going to give away the Right of a Crown, which I take to be more than Money; and therefore, I humbly move you that it may be farther debated in a Committee.

'Mr. Speaker, Have not the Papists always proceeded a- Hugh Boscawens gainst the Protestants with a Barbarity surmounting the worst of Heathens? And must we be so mighty careful how we proceed to hinder them from ruling over us, as that we must stumble at every Straw, and be atraid of every Bush? A Man that is in an House that is on fire, will leap out at a Window, rather than be burnt. I do admire how any Person, that doth know with what Treachery and Inhumanity the Papists behaved themselves in the Massacres of Piedmont, Paris, and Ireland; their Cruelties in Queen Mary's days, lately on Sir Edmundbury Godfrey, and what they had delign'd against the King, and all of us, can offer any thing to delay, much more to hinder what is fo precifely necessary for the Good of the King and Kingdom; especially seeing in this we shall do nothing, but what may be justihed by many Laws and Precedents. And if there were none, of which I know there are a great many that are liable to no Objection; yet I take it, That the Law of Na-TOME I. Ece

Anno 12 Car. II. ture and Self-preservation would afford us sufficient Arguments. I think the Sun is not more visible at Noon-day, than that the Papists have a Design to extirpate our Religion; and that they have done great Things in order thereto, even now while we live under the Government of a Protestant King, by some invisible Power that hath strange. ly acted its Part in favour of that Interest, in all our Councils and Resolutions in Affairs of greatest Importance; and it is as plain that this is fo, because there is a Popish Suc. ceffor; and that their Interest will never decline as long as there is fuch a Successor, and the Hope of a Popish King. And now, that by the watchful Providence of God, their Things have been made so plain to us; is it not strange, that any Man should go about to persuade us to be so neg. lectful and inconfiderate, as to fit still and look on, while the Papists are putting their Chains about our Arms, and Ropes about our Necks? Which must be the Consequence of permitting a Popish King to ascend the Throne; against which there can be no Law to secure us but this. In Ed. ward the fixth's, and Queen Mary's, and Queen Elizabeth's days, was not the Religion of the Prince, the Religion of the Nation? Did not most of the Privy-Counsellors, and great Ministers of State, and some Bishops too, change with the Times? Is it not customary for great Men to infinuate and flatter their Princes, by being of their Religion? On what must we ground our hopes of Security, in such a Case? On nothing, Sir, but on a Civil War, which such a Prince must certainly occasion. But I do not fear it from this Bill, but rather think it the only Way to prevent it; not doubting but that there will be People enough that will give Obedience to it, sufficient to execute the Law on such as may be refractory, if any, which can only be Papists, and fuch as may be Popishly affected; The Objections as to a Civil War, and Disobedience to this Law, may as well be made against any other severe Law that we may attempt to make against Papists; and must we therefore let them all alone? I hope we shall not be so inconsiderate; but as we have discovered that their Weapons are near our Throats, fo we shall not acquiesce in any thing less than what may secure us; that so, if possible, we may not fall into the Hands of fuch a bloody, merciles People; which must infallibly be the Contequence of having a Popish King.

'And, Sir, as we have much to fay for the having of this Bill; so we have as much for not having our time lost by going into a Committee at this time about it. When the Bill is brought in, there will be time enough to hear of other Expedients, if any Member will then offer any; of which they will now have time to confider, that so they may be offered

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particularly, and not only in general. For it doth not con- Anno 32 Car. II. lift with the Gravity of the riouse, that they should be put out of the Method they are most inclined to, without good I am afraid there can be no Expedients offered in this Case, that can be sufficient; unless such as may shake the Throne as to all future Kings. And I hope we shall be cautious how we enter into any fuch Debate; for if you should, you may be fure your Enemies will take Advantage

And therefore I am rather for the Bill.

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" Mr. Speaker, have not Popish Kings, as well in other John Countries as here, always brought in a Popish Religion? Trenchard. And have we any Reason to suppose the like will not happen here, if ever we should have a King of that Religion? Have we not undeniable Proof, that the great Thing defigned, by endeavouring at a Popish King, is the rooting Heresy out of these three Nations? And are not Rome and France ingaged to give their Assistance therein, as well as the great Parties at home, not only of profess'd Papists, but of some who profess themselves Protestants, but are so but in Masquerade? And do they not fay, that they have so clenched and riveted their Interest, as that God nor Man cannot prevent their accomplishing their Defigu? And shall we be so indiscreet as to let it creep on thus upon us, and not endeavour to remedy ourselves? Let it never be said of this House of Commons. that they were so stupisfied or negligent of their Duty to their Country; or fo indifferent in their Religion, or Preservation of their Liberties, as to forget so great a Concern. If, when we have done what we can, we should be conquered by Force, or deceived by fuch little Arts and Tricks as may be used, a patient Submission to God's Providence must But to be the Occasion of our own Destruction, by being supine and inconsiderate, will never be answered to Posterity.

He then justify'd the Legality of the Bill, by a long Catalogue of Precedents; making out, that the Succession of the Crown had been oftentimes altered by Act of Parliament upon less Occasions than this; and concluded with a Motion

for bringing in of the Bill.

Refolved, That a Bill be brought in, to disable the Duke of York to inherit the imperial Crown of the Realm.

The 4th of November, 1580. A Bill to disable James The Exclusion-Duke of York, to inherit the imperial Crowns of England Bill read for the and Ireland, and the Dominious thereunto belonging, was first time. read the first time.

'Mr. Speaker, I have spent much of my time in studying Sir Leoline Jenthe Laws of this Land; and I pretend to know fomething of kine. the Laws of foreign Countries, as well as of our own: And I have, upon this Occasion well-considered of them; but

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Anno 32 Car. II. cannot find how we can justify the passing of this Bill, rath 1680. much against it.

'First, I think it is contrary to natural Justice, that we should proceed to Condemnation, not only before Conviction, but before we have heard the Party, or examined any Witnesses about him; I am sure, none in his defence. And to do this, by making a new Law on purpose, when you have old Laws in being, that have appointed a Punishment to his Crime, I humbly conceive, is very severe; and contrary to the usual Proceedings of this House, and the Birthright of every Englishman.

Secondly, I think it is contrary to the Principles of our Religion, that we should disposses a Man of his Right, because he differs in point of Faith. For it is not agreed by all, that Dominion is founded in Grace. For my part, I think there is more of Popery in this Bill, than there can possibly be in the Nation without it; for none but Papists, and Fifth-monarchy-men, did ever go about to disinheric

Men for their Religion.

Thirdly, I am of Opinion, that the Kings of England have their Right from God alone; and that no Power on earth can deprive them of it. And I hope this House will not attempt to do any thing, which is so precisely contrary, not only to the Law of God, but the Law of the Land too. For if this Bill should pass, it would change the Essence of the Monarchy, and make the Crown elective. For, by the same Reason that this Parliament may disinherit this Prince for his Religion, other Parliaments may disinherit another, upon some other Pretence which they may suggest; and so consequently, by such Exclusions, elect whom they please.

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'Fourthly, It is against the Oath of Allegiance, taken in its own Sense, without Jesuitical Evasions. For by binding all Persons to the King, his Heirs and Successors, the Duke, as presumptive Heir, must be understood. And I am of Opinion, it cannot be dispensed withal. Sir, I will be very cautious how I dispute the Power of Parliaments, I know the Legislative Power is very great, and it ought to be so. But yet I am of Opinion, that rarliaments cannot disinherit the Heir of the Crown; and that if such an Act should pass, it would be invalid in itself. And therefore I hope it will not seem strange, that I should offer my Judgment against this Bill, while it is in Debate; in which I think I do that which is my Duty, as a Member of this House.

Henry the fourth of France was a Protestant, his People most Papists, who used some Endeavours to prevent his coming to the Crown; but when they found they were not like to perfect their Design, without occasioning a civil War, they desisted; concluding, that a civil War would probably

probably bring on them more Misery than a King of a dif- Anno 32 Car. II. ferent Keligion, and therefore submitted. Sir, I hope, we shall not permit our Passion to guide us instead of Reason; and therefore I humbly move you to throw out the Bill.'

' Mr. Speaker, Sir, The honourable Member that spoke tagu. last, may understand very much of the Laws of other Countries, and foreign Affairs; but I am apt to think, not much of the Laws of this Nation; or else he would not argue, that this is a Popish Bill, when it is the only thing that can fave his King, the Kingdom, and the Protestant Religion; which I hope will never come to that Extremity, as to need any thing that is Popish to save it. For my part, I am so far from thinking that this Bill is so unreasonable as hath been argued, that I think this House of Commons will get as much Credit by passing of this Bill, as that in 1660 did, by palling that which brought home the King. For as the one reflored him; fo the other may preferve him, and nothing less. And therefore, I think, Sir, you ought not to delay the giving it a fecond reading, but appoint a fpeedy day for i:

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Mr. Speaker, Sir, I do not understand how it can be John Hampden construed, because we go about to disinherit the Duke, that therefore it must be for his Religion. For my part, I do approve of the Bill; but it is because the Opinions and Principles of the Papists tend to the Alteration of the Government and Religion of this Nation: and the introducing, instead thereof, of Superstition and Idolatry, and a foreign, Arbitrary Power: If it were not for that, I am apt to think, the Duke's being a Papist would not be thought a sufficient Cause for this House to spend Time about this Bill. cannot see the Danger of reducing the Government to be elective by it; for why should we presume that any thing but the like Cause should have the like Effect? Though the Succession of the Crown hath been formerly often changed by Acts of Parliament, yet hitherto it hath not made the Crown elective; and why must we fear it now? Neither can I apprehend, that the passing of this Bill is contrary to natural Justice; because we have not heard what the Duke hath to fay for himself. The Precedents that might be offered to make out, that the Parliaments have, when they thought good, condemned Persons by Bill, are numerous, and without any Hearing too. But if there were none, to doubt the Power of the legislative Authority of the Nation in that or any other Case, is to suppose such a Weakness in our Government, so inconsistent with the Prudence of our Ancestors, and common Reason, as cannot well be imagined. And I do not think we are about going to do any fuch strange Thing neither, but what would be done in other Countries upon the like Occasion; but do be-

Anne 12 Car. II. lieve, that if the Dauphin of France, or Infant of Spain. were Protestants, and had, for near twenty Years together, endeavoured the fetting up of another Interest and Religion, contrary to the Interest of those Kings and the Catholic Religion; especially if such Endeavours had been accompained with fuch Success as here, and those Nations had been so often, by fuch means, reduced fo near to ruin, as we have been, by Divisions, Tolerations, Burnings, Plots, and Sham. Plots at home, and by Wars and foreign Alliances, overruled in their favour abroad; but that they would have been more impatient than we have been for this Remedy. And for my own part, I cannot but admire more at the long Delay there hath been, in feeking out a Remedy against this great Evil, than at our offering at this Bill. For, notwithstanding what hath been faid, I cannot think our Danger fo remote or uncertain, as some, would suppose it. Can the King be fafe, as long as the Papists know that there is nothing but his Life stands in their Way, of having a King to their mind? Which is the only thing they want, to go on with their Defigns and to accomplish their Expectations. Will it then be an easy thing to withstand such an enraged, barbarous People? The more false and unreasonable their Religion is. the more Cruelty will be necessary to establish it. Can it be imagined we shall not pay severely, for having shed so much Blood of their Martyrs, as they call them, and for having enjoyed their Holy-church-land fo long? Or that they will not do all that they shall think necessary, to secure an entire and quiet Possession to themselves? For my own part, I cannot imagine that the Pride of those Church-men will be fatisfied with any thing less, than an utter Ruin and Extirpation of us and our Posterities. And I think that nothing can fave us but this Exclusion-Bill; and therefore I humbly move you to appoint a speedy day for a second reading."

The Bill read a fecond time.

Resolved, That the said Bill be read a second time on Saturday Morning at ten o' Clock.

The 6th of November, 1680. A Bill to disable James, Duke of York, to inherit the imperial Crown of England

and Ireland, was read a fecond time.

Sir Richard Temple made several Objections against the Tenour of the Bill, as not answering the Intention of the House; shewing how (if not altered) it would occasion an Inter-regnum; and that the Clause for limiting the Exclusion to the Person of the Duke only, was not well drawn.

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Sir Leoline Jenkins.

' Mr. Speaker, In my humble Opinion, the Body and whole Tenour of this Bill carrieth with it a great Redection on the whole English Nation. For to suppose that one Perfon is able to turn us about to Popery, is to suppose that we are either very imprudent, or irrefolute, or that we have no great love to, but are rather very indifferent in our Religion.

And if we may thus disinherit the presumptive Heir, not only Anno 32 Car. II. the Royal Family, but the whole Nation, will be subject, by fuch a Precedent, to many Inconveniencies. For by the fame Reasons the like may be done hereafter upon any other Pretence. For, Sir, though we know that this House is composed of Persons, that have a great Veneration for the Royal Family; yet we know not what may happen here-after: But, if some such Bill as this must pass, I humbly conceive there is a great Necessity of naming a Successor, and not leave that in dispute, lest an Inter-regnum, or civil

War, happen thereupon.

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Mr. Speaker, Sir, because I am of Opinion, that nothing Henry Booth. can, at this Time, be so prejudicial to the protestant Interest, as to be at a stand, or go backward with this Bill; therefore I should be forry to see that we should enter upon any Debate of clogging it with any thing that may occasion any There may be more Difficulty in agreeing about the Provisos and Declarations, that will be necessary in naming a Successor, than to agree about the Bill itself. cannot make the Law plainer than it is in that Case. intend by this Bill nothing but an Exclusion of James Duke of York, as the only Expedient that can help us in the Exigency the Nation lies under; and it being intended only as an Expedient in reference to him only; and that the Bill shall have nothing in it that can relate to, or prejudice the next of Kin: I do not see how there ariseth from that, any Difficulty more than there was before, as to the Succession. And therefore, Sir, let us not confound the Bill with need-I confess, Sir, I am one of those that am less Additions. in pain until this Bill be past. For the King hath his Breath in his Nostrils, as well as other Men; and although we have all, much reason to pray for his long Life, so to fear it too; and nothing can tend fo much to the fecuring of his Lite, as the passing of this Bill: nor ours after his. For, how shall we be able to defend ourselves against Popery without it? Therefore I humbly move you, that we may not spend our time about any such Additions, but commit

'Mr. Speaker, Sir, I have already given you many Rea- Daniel Finch. ions against the Bill itself, but more do offer from the wording of it. The excluding the Duke will not give a Right to the next Heir, to take possession of the Crown while the Duke is living; and therefore unless you name a Successor, it will either prove ineffectual, or cause a great Disturbance in the Nation, by an Inter-regnum. And, Sir, as this part of the Bill is too weak, so the other is too strong: For, as It is now penned, it may probably exclude all the Duke's Children, at leastwife leave it so, as that it may prove a great question, which I suppose you do not intend. Then he

Anno 32 Car. II. Stated several Cases in Law, to prove what he had said; and concluded, that it was in order to have it farther confidered at a Committee.

Silas Titus.

' Mr. Speaker, Sir, I do not fee how you can name a Succeffor, unless you can in the same Act prohibit the Queen from having of Children, the King from marrying again, the Duke from having of Sons, which would not be more preposterous, than the many Proviso's which otherwise the A& would require, to fecure fuch Iffue their Right; which would probably make the Remedy worse than the Disease. And I think, Sir, that in a Case of this Importance, you will be careful how you make Laws, that shall be liable to so many Difficulties and Disputes. And therefore you had better rely on the old Laws you have, than make new ones to perplex the Case. And I do not see how the excluding of the Duke only can any way infect the Right which his Children may have to the Succession. And therefore I think there is no need of naming a Succeffor; but let the Bill be committed, and to a Committee of the whole House; and there it may be farther debated, if necessary."

Sir Roger Hill.

' Mr. Speaker, Sir, I tremble to hear so much Discourse about the King's Death, and naming him a Successor; certainly the like was never known in any former Age, but rather it was looked on as fo dangerous a Thing to be discoursed of, as that none durst attempt it, whatever the Occasion were. Queen Elizabeth concluded, that the naming of a Successor to the Crown, would be digging a Grave for her; and therefore I hope we shall never go so far as to put it into an Act. I am for shewing a great Respect for the Duke, and his Children; but I think we are first bound in Duty to the King; and therefore ought first to shew our Respects to him. Some Persons, in my poor Opinion, have shewed so much Zeal for the Duke's Interest, that I am afraid they have forgot their Allegiance to the King. Can he ever be fafe, as long as it is the Interest of every Papist in England to kill him? Which it will be, as long as there is hopes of a Papift to fucceed to the Throne. And therefore I think we cannot answer the permitting of any Delay in an Affair of so great Importance; and I humbly move you, that the Bill may be committed, and that all may have Liberty to be concerned therein, in a Committee of the whole House."

The Bill commitred.

Resolved. That the Bill be committed to a Committee of the whole House: That it be an Instruction to the said Committee, that the Exclusion in the faid Bill do extend to the Person of James Duke of York only.

That this House do resolve into a Committee of the whole House on Monday Morning next, at Ten of the Clock, to proceed to the Confideration of the faid Bill.

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Rent of Land, depends. Whereas by the Exportation of Anno 12 Car.II. fo much Bullion, no immediate Advantage redounds to the Nation; and though it is usually affirmed, that the Trade brings back to the Nation as much Money as it exports, vet upon an Enquiry it will be found a Mistake. And I think every Nation, but especially this, (which is so well stored with other Commodities for Trade) ought to be very jealous of a Trade, carried on by the Exportation of their Gold and Silver; and to be very careful how to allow it, it being dangerous to make that, which is the Standard of Trade, Merchandize itself.

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And as these Objections arise against the Trade itself, so there are others against the present Management, of which the People do complain as a great Grievance; and I humbly conceive, not without good Cause. For the equal Distribu-tion of Liberties and Privileges among the People, which is one of the Excellencies of the Government, is by this Company highly infringed, a very few of the People being permitted to have any Share in this Trade, though it be now encreased to near one quarter Part of the Trade of the Nation; the Company finding it more for their particular Advantage to take up from 6 to 700,000 l. on a common Sale, to carry on their Trade, than to enlarge their Stock; thereby reaping to themselves not only the Gains which they make on their own Money, but of the Treasure of the Nation; allowing to them that lend, four or five per Cent. and dividing among themselves what they please, which now within these last 12 or 15 Months, hath been 90 per Cent. And, upon an exact Enquiry it will be found, that this Stock is so engrossed, that about ten or twelve Men have the absolute Management, and that about forty divide the major Part of the Gains, which this last Year bath been to some one Man 20, to others 10,000 l. a-piece. So that here is the certain Effect of a Monopoly, to enrich some few, and impoverish many.

'It's true, there is such a Thing as buying and selling fome small Shares in the Stocks sometimes, if any Man will give 300 l. in Money for 100 l. Stock; but this amounts to no more than exchanging the Interest of John Doe for 'Thomas Roe, and can be no ways serviceable to bring in more Stock or People into the Trade, and therefore not to fatisfy

the Complaint of the Nation.

'Sir, that you may the better apprehend how unreasonable it is, that this great Trade should be thus confined to the Advantage of so few Persons, exclusive to all others, under the Penalty of Mulcts, Fines, Seizures, and other extraordinary Proceedings, I befeech you, Sir, to cast your Thoughts on this great Body here by you, and the rest of Fff2 the

Anno ea Car. II, the Corporations of this Nation, who mostly live by Trade. and consider how many Thousands, if not Millions, there are, whose Lot Providence hath cast on Trade for their Livelihoods; and then, I am apt to believe, it will appear very strange that so great a Trade should be so limited. If three fuch Charters more should be granted, what should the major part of the People do for Maintenance? Sir, the Birth-right of every Englishman is always tenderly considered in this Place: By this Company the Birth-right of many Thousands is prejudiced, and may well deserve a serious Consideration; and therefore, and because this Company, by having the Command of the Treasure of the Nation. cannot be controlled by any less Power than that of a House of Commons, this Business comes, as I humbly con-

ceive, naturally before you.

But, Sir, there is one Thing more in the Management of this Trade worthy your Confideration: The great Danger which may refult, as well to private Persons as to the Public, by taking up fuch an immense Treasure on a common Sale. Sir, we all know what happened some Years since, by the Bankers taking up such great Sums on their private Sales, how it proved a Temptation for the committing of a great Violation on the Subjects Property, which in all probability preceding Parliaments would have prevented if they had foreseen; though I hope there is no Danger that the like will ever be done again; yet, Sir, you may do well to fecure it, either by making some Vote, if not a Law, to prevent it. And I am the more forward to move you herein; because I have heard, since I had the Honour to sit within these Walls, that, in the late long Parliament, there were Members who, by voting for Money, got Shares to themselves. I have a good Opinion of these Gentlemen that at present have the Management of the Trade, but if a few fuch Persons as I have mentioned should succeed them, with the same Privilege that these have, of taking up what Money they please on a common Sale, to what Danger might the Treasure of this Nation be reduced, and how might it not be disposed of, by Dividends, Loans, or other Ways? The taking up of so vast a Treasure on a common Sale, must be attended with great Danger; and therefore as well for that as for the other Reasons alledged, I hope you will take this Affair into your speedy Consideration, that so some Remedies may be applied hereto."

William Love.

' Mr. Speaker, Sir, by the Account which hath been given you of the East-India Trade, I doubt not but you are sensible, that it will in time ruin a great part of the Trade of our Manufactures, if not prevented. The East-India Company have been very industrious to promote their

The 8th of November, the House then resolved into a Anno 32 Car. H. Committee of the whole House, to proceed in the Consideration of the Bill, to disable James Duke of York, to inherit the Imperial Crowns of England and Ireland, and the Dominions and Territories thereunto belonging; and after many Debates about feveral Amendments, and Clauses to be added, the Bill was agreed, and reported to the House.

Resolved, 'That the said Bill, with the several Clauses and

Amendments, be engroffed.

The oth of November, 1680. A Petition from the Bailiffs, Debate, or a Pe-Wardens, and Affiftants, of the Company of Silk-Weavers, Silk-Weavers

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Mr. Speaker, Sir, this Petition branches itself, First, John Basset, against the Bill that is here afoot, for wearing of Woollen; Secondly, Against the Importation of foreign Silks from France: And Thirdly, against the East-India Company. As to the two first Particulars, I shall defire leave to speak my mind, when the Business comes to be debated in the Committee to which you may think good to refer it. But as to the third Branch, against the East-India Company, I defire to be heard a little at this Time; for, Sir, it will be in vain for you to spend your Time in endeavouring to raise the Price of Wool, or to advantage the Trade of the Nation any way, unless you do, in the first place, make some Regulation for the East-India Trade. For not only the Silk-Weavers, but most of the other Trades of this Nation, are prejudiced by the Confumption of Goods manufactured in the East-India, and brought hither: For a great many of them are not only spent here, instead of their own Manufactures, but abroad in other Parts, to which we fend them. do us fuch Prejudice, as must, in the End, be the Destruction of the Manufactury Trade, both at home and abroad, if not looked after; and the more likely, because the People in India are such Slaves, as to work for less than a Penny a Day; whereas ours here will not work under a Shilling; and they have all Materials also very reasonable, and are thereby enabled to make their Goods so cheap, as it will be impossible for our People here to contend with them. And therefore, because the said Trade hath abundantly encreased of late Years, that we may not enrich the Indians, and impoverish our own People, I humbly move you, that this Petition may be referred to some Committee that may take particular Care of it.'

'Mr. Speaker, Sir, the Navigation to the East-India, be- John Parking, by the Industry and long Experience of our Sea-Men, hurst. render'd as safe and secure as to any Country adjacent; and the Trade encreased to a great Proportion, by such a dangerous Way as the Exportation of our Bullion, and Importation

tition from the Company.

Anno 32 Car. II, of abundance of manufactured Goods, and Superfluous Com. modities; and carried on by a few Men incorporated, who have made it their Bufiness, by all Ways imaginable, to secure the Advantages thereof to themselves, and their Poste. rities, not permiting the People in general to come in for any Share; I humbly conceive it may not be unfeafonable to give you a short Scheme of that Trade; and to make some Remarks as well on the Trade, as the present Management thereof; it being fettled in a Company, by virtue of a Charter granted 1657, and confirmed by his Majesty, soon after his Restoration.

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Sir, It is well known what Advantage redounds to this Nation, by the Confumption of our Manufactures abroad and at home; and how our Fore-fathers have always discouraged fuch Trades as tended to the Hindrance thereof. By the best Computation that can be made, we now spend in this Kingdom per Annum to the Value of 2 or 300,000 h worth of Goods manufactured in the East-India: What Part thereof are spent instead of our Stuff, Serges, Cheneys, and other Goods, I leave to every Man's Judgment, that hath observed how their Perfian Silks, Bengalls, printed and painted Calicoes, and other Sorts are used for Beds, Hanging of Rooms, and Vestments of all forts. And these Goods from the India, do not only hinder the Expence of our Woollen Goods, by ferving instead of them here; but also by hindering the Confumption of them in other Parts too, to which we export them; and by obstructing the Expence of Linnen and Silks, which we formerly purchased from our Neighbour-Nations, in return of our Manufactures. For when that mutual Conveniency of taking off their Goods in return of ours failed, it is found by Experience, that our Trade in our Manufactures failed also: And, Sir, this is not only at present a great, but a growing Hindrance to the Expence of our Woollen Goods; for, as it hath been observed to you, being the Indians do work for less than a Penny a Day, and are not without Materials at cheap Rates, we may rather tremble to think, than easily calculate, what this Trade may in Time amount to; and may conclude, that it must certainly end in employing and enriching the People in the India, and impoverishing of our own.

But, Sir, this is not all: This Trade is carried on by the Exportation of 5 or 600,000 l. per Annum in Bullion; which is so useful a Commodity, as ought not to be exported in so great a Quantity, especially seeing the Exportation thereof hath increased in some Years from 200,000 l. per Annum, to 600,000 l. per Annum: For it may encrease to Millions, to the Discouragement of the Exportation of the Products of our Country; upon which the Maintenance of our Poor, and we have answered the neglecting of the afferting our Rights Anno 32 Cariff. in that Particular? Sir, I think that, next to the Duke's Bill, the afferting of the People's Right to petition, is the most necessary Affair we could have spent our time about, in order to have the Plot examined to the Bottom, by conveying to his Majesty the Desires of his People, to have Parliaments fit in order thereto. And therefore I am jealous that the Advice given for this Message, doth proceed rather from a fear that we are doing too much, than from our doing too little against Popery. However, Sir, seeing the Message comes in his Majesty's Name, let us, according to our Duty, give all the Compliance we can to it; and therefore I humbly move you, that a Message be sent to the Lords, to defire them to appoint a Day for the Trial of William Viscount Stafford.

Mr. Speaker, Sir, I cannot but observe, that his Ma- John Hampdette jesty in his Speech made to us at the Opening of this Session, recommended to us the Examination of the Plot, and the making Laws for the Security of the Protestant Religion, which is not yet above twenty Days ago. And therefore it is very ffrange, in my Opinion, that we should so soon receive another Message to the same purpose, especially confidering how we have fpent our time ever fince our Meeting. in that which we have reason to think tends as much to the preventing of Popery, as any thing we could invent. truth is, Sir, I am fully perfuaded, that the Advice for this Message proceeds from the same Men that advised the Disfolution of the two last Parliaments, and the many Prorogations of this; for though it may look like a Contradiction, that going fast or going flow should tend to one and the same End, yet it doth so in this Case: for by the Dissolutions of those Parliaments, and many Prorogations of this, time was gotten for the disheartning of some Witnesses, and tampering with others, and the Death of the most material one; and now, by pressing upon this Parliament to make great Hafte, other Witnesses may be prevented from coming in, for which his Majesty hath declared he will give two Months time by his Proclamation. So that it plainly appears, that the farther Examination of the Plot must be prevented some way, if they can do it; and that rather than fail, your Endeavours to go to the Bottom of the Plot shall be turned upon you, and made use of to their Advantage. It is strange, that now fourteen Days should seem too much to have the Examination of the Plot neglected, (supposing it had been so) and the fourteen Months last past, or rather two Years, not thought fo. Sir, we are under great difficulties, and therefore we must be careful what we do. By the Contents of this Message we may plainly see, that our

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tono 32 Car. II. Enemies are at work to represent our Proceedings ill to the King, that so if possible there may be some plausible Pretence found out that may serve to gull the People, if they should procure a Diffolution. But I hope his Majesty will not hearken to fuch Advice; in order to prevent it, let us, until we have an Opportunity to express our Duty to him by Actions, do it by Words, to fatisfy him, that we have spent most of our Time in examining the Plot, and in contriving how to secure his Person and Government against the Dangers arising from Popery; and to assure him, that we will lose no Time till we have done what lies in our Power in order thereto; and that we may withal give some farther Instance of our endeavours, let us vote that we will immediately proceed to the Trial of my Lord Viscount Stafford."

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William Har-

Mr. Speaker, Sir, I am well content to understand that Part of the Speech, which recommends to us a fpeedy Examination of the Plot, to proceed from his Majesty's Goodness, on a Supposition that he is now more sensible than ever, of the Danger, his Person and Government is in by Papists. And I hope it is from that, and not from any other Reason, that he hath been pleased to send us this Message so 100n after his Speech, notwithstanding our Endeavours as to the Plot and Popery. But, Sir, what I am most concerned at, is the latter Part of the Speech, that about the Succession; for it looks like the Difficulty that was put upon the Israelites, of making Bricks without Straw. For feeing all the Difcoveries about the Plot make it clearly out, that it all centers in the Duke of York, and that all their Hopes is derived from a Popish Successor, and Expectation of a Popish King, how can we do any thing that can be effectual in pursuance of the first Part of that Proposition, without contradicting the latter, it being impossible to secure the Protestant Religion under fuch Limitations? However, Sir, I hope that none of these things will put the House out of that Temper and Moderation which becomes this Place; for I hope that at last his Majesty will either convince us, or be advised by us, that so we may come to a fair Understanding, and this Sellion have a happy Conclusion. Let us be careful not to give our Enemies any just Advantage to misrepresent us: And then I hope all will do well at last, maugre all the Endeavours of our Back-friends. That we do vote that we will proceed to Trial of some of the Lords, and appoint a Committee to draw up an Address in answer to this Message, upon the Debate of the House, is, I conceive, what is necessary at this Time.'

'Mr. Speaker, Sir, his Majesty's Message is a tacit Reprehension of this House, for not having done their Duty, as to the Plot and Popery. And as well by this Message, as by

Silas Titus.

own Trade, but therein have given a great Blow to the Anno.32 Car. 11.

Trade of the Nation.

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The Indians knew little of dying Goods, or ordering them, so as to be fit for European Markets, until the Company fent from hence Englishmen to teach them, which I am afraid this Nation will have cause to repent hereafter. For the Cheapness of Wages and Materials in the Indies must enable the Indians to afford their manufactured Goods cheaper than any we can make here; and therefore it is probable the Trade will encrease prodigiously; which may be a good Motive for you to take into your Confideration that part of it, in which the Confumption of our Manufactures is concerned. They have already spoiled the Italian and Flanders Trade, with their Silks and Calicoes; now they will endeayour to spoil the Turkish Trade, by bringing abundance of raw Silk from the Indies. So that ere long we shall have no need of having Silk from Turkey; and it not, I am fure we shall not be able to send any Cloths or other Goods there. And it cannot be expected, that the Indians should grow weary of exchanging their manufactured Goods for our Gold and Silver, nor the Company of the great Gains they make by their Trade; and therefore, unless prevented by your Care. the Trade will go on to your Prejudice; the Company having been industrious to secure themselves against all other Attempts, by New-Years-Gifts, employing of some Men's Money at Interest, and getting others into the Company, and then chusing them of the Committee, though they understand no more of the Trade, than I do of Physic; also naming of Ships by great Men's Names is made use of for the said purpose, and Oaths which they impose on all Persons they employ in any Business of importance, so that there is no ordinary way left to reach them. Therefore, Sir, I hope you will refer the Bufiness to some Committee that you may make a speedy Report.

Resolved. That the said Petition be referred to the grand Committee for Trade, and they are to proceed upon the same in the first place, and they are then likewise to consider of the present State of the East-India Company, and to report the

fame, with their Opinions thereon, to the House

The 10th of November, 1680. His Majesty's Message to A Message from

the House was read.

'His Majesty desires this House, as well for the Sa- ting to the Extisfaction of his People, as of himself, to expedite such clusion Bill. ' Matters as are depending before them, relating to Popery and the Plot; and would have them rest assured, that all Remedies they can tender to his Majesty, conducing to these Ends, shall be very acceptable to him, provided they

the King rela-

Anno sa Car. Il. ' be fuch as may confift with preferving the Succession of ' the Crown in its legal Course of Descent.'

Debated. Henry Booth,

Mr. Speaker, Sir, I look on all his Majesty's Speeches to Parliaments, and Messages to this House, to be Acts of State, and the Refults of serious Councils; and therefore the more deserving our Consideration: But also I think we may in some Respects look on them as we do on Letters-Patent, or other Grants in the King's Name; if in them there be any thing against Law, the Lawyer or Officer that drew them is answerable for it. So if his Speeches be the Product of Council, if there be any Mistake in them, it must be imputed to the Council, and we may and ought to conclude the King never faid it, for he can do no Wrong. I cannot, Sir, but much admire what neglect of ours, as to Popery and the Plot, hath occasioned this Message. Hath not most of our Time been spent about Examination of Witnesses about the Plot, and in making Inspections into the Proceedings of the last Parliaments as to their Transactions about it. that so we may proceed upon such Grounds as we ought? Hath there any day past, in which we have not done something as to the Plot and Popery, besides what we have done about the Duke's Bill? Which alone is fufficient Proof of our Endeavours to discover the Plot and Popery, because it plainly appears that all the Plot centers in him, and that we can never prevent Popery, but by preventing that Power to rule, which is derived from a Popish Successor, and the having of a Popish King. It is true, we have spent some Time also, in afferting the Right of the People to petition the King for Parliaments, or other Grievances; but I do not take that to be so remote to this Affair; for can the Plot ever be searched to the Bottom, or Popery prevented, as our Case stands, but by Parliaments? And seeing there were so many Prorogations of this Parliament, when there were Occasions so urgent for their Sitting, in order to search the Plot to the Bottom, and to make Laws against Popery, have we not great Reason to believe, that it was from that Party that fuch strange endeavours were used to prevent the meeting of Parliaments, from whom they know that nothing but Ruin can attend them? Do we not fee, by Coleman's Letters, what Contrivances they always had for to manage the Meetings, Sittings, Prorogations, and Diffolutions of Parliaments? And why should we not believe they exercise the same Arts still? Seeing it is plain that the Dissolutions of the last two Parliaments, and many Prorogations of this, did not proceed from any Protestant Interest; and therefore well may we conclude from whom. And for the same Reason that they far Parliaments, have not the People Reason to be fond of them, being the only legal Way to redrefs Grievances? And could

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his Speech at the Opening of the Seffion, he doth now feem Anno 32 Car. II. much concerned, that the Examination of the Plot, and the fecuring of the Nation against the Danger of Popery, hath been so long deferred; for my part I think he hath a great deal of Reason for what he faith, and I am glad to hear it. For I hope he is now truly sensible what strange Advice he followed in disfolving the last Parliaments, and so often proroguing this; and that he will now permit the Parliament to fit, until they have done their Duty in that Particular. But, Sir, though his Majesty may now be very senfible of the Miscarriages there have been in the Management of this Business already, yet I think we may not do amiss (seeing his Majesty hath given us this occasion) to particularife to him, how the Examination of the Plot, and the fecuring us against Popery, hath been prevented. Sir, was not the late long Parliament, after the Plot broke out, in a fair way to have tried the Lords, and to have examined the Plot to the bottom? And did not the Dissolution of them frustrate all their Proceedings? Did not the next Parliament fall upon the same Subject, and were they not advanced very far towards it? And did not the Prorogation and Dissolution come, and make all void? Hath this Parliament, though called to meet the 17th of October was twelve Months, ever fat till now? And have they not ever fince their Meeting employed most of their time about the Plot and Popery? And can there lie any just Complaints against us? The truth is; Sir, it is plain to me, that if this Message proceeds from his Majesty's own Judgment, as I hope it doth; (for how can it be prefumed that his Majesty should not see how we proceed against the Plot and Popery as well as every body else?) or if it proceed from fuch Counsel, as do really intend we should do something against Popery, then we may be permitted to ht until we have done something for the Security of our Religion, and Good of our Country; but, on the other fide, if this Message do proceed from the same Counsel that advised the Diffolutions of the last Parliaments, and many Prorogations of this, then we may take it as a clear Discovery, that there are Persons at work to represent us ill to the King, and to find some such pretence for our Dissolution, as may pass with the People; and fuch I take to be Enemies both to the King and Kingdom, and therofore hope you will take a time to find them out, and proceed against them as they deserve. In the mean time, I second the Motion that hath been made, for a Committee to draw up an Answer to this Address, and for making a Vote in order to try my Lord Stafford.

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'Mr. Speaker, Sir, though I know that we are under an Sir Francis obligation from Duty to make a good construction of all his Winningtons Tome I. Ggg Majesty's

Anno 22 Car.H. Majesty's Speeches and Messages to this House, yet because they generally do proceed from some Advice and Counsel taken on fuch occasions, therefore, I think, we may, without Offence, when any thing is irreconcileable in them, attribute it to the Ministers; though all that which is good. and agreeable to that Wisdom and Prudence which is inherent in his Majesty, ought to be attributed to himself; and, as the Cafe stands with us, I think only from him can it proceed. What is faid in this Message, that neither his Majesty nor the People can be satisfied, unless we expedite fuch Matters as relate to the Plot, I believe it proceeds from his Majesty's own Genius, it being so agreeable to that Love which he hath always protested for the Protestant Religion: but that tacit Imputation that we have neglected the Examination of the Plot, and Proceedings against Popery, appears to me like a kind of Infatuation in those Ministers that advised it. For, Sir, is there any thing more obvious, than that this Parliament have spent most of their time in matters relating to the Plot and Popery, and to make such Laws as may prevent the coming in of Popery upon us? And did not both the last Parliaments do the same, from the time the Plot broke out? And if I may take the liberty to prophely, I am apt to think, that the next, and the next, will proceed in the same steps, until such Laws be made as are precisely necessary for the hindring of Popery from coming in upon us: And I pray God it may not be a cause why we shall have no Parliaments to fit and act for a while. But, Sir, as this is plain, so to our Grief it is, that there are those about the King in great Power, who are against the Examination of the Plot to the bottom, or making Laws against Popery. Hath not this appeared by the great Endeavours that have been used to stifle the Plot; the menacing and discouraging of the true Witnesses, and setting up and encouraging of false ones? I mean, by the great Power that accompanied those Endeavours; but above all, by the great Authority and Interest, which that Party have shewed in the Dissolution of the last two Parliaments, (though as to the first I heartily forgive them) and the many Prorogations of this. And must they now, after they have stopped or smothered all Proceedings that tended to destroy Popery, for above two Years, find fault that we have not brought all to perfection in two Weeks? Sir, this looks like such a profound piece of Policy, as that of killing Juffice Godfrey. But I am not forry that their Politics run to low. Such a Pretence as this can only pa's with Persons that have a mind to be deceived. I will never doubt the Prudence of the major part of the Nation in this particular, who know that the Non-profecution of the Plot, is the great Grievance which the Nation groans

groans under; and the making of fuch Laws which may fe- Anno 22 Car. II. cure us against Popery, the greatest reason why they have so longed for a Parliament, and adventured fo much, as some did, in petitioning for one. And, Sir, I think, that accordingly this House have not been wanting to do their Duty therein; and therefore do believe that such Representations to his Majesty are made, by such, as aim at the Destruction of Parliaments, and bringing in of Popery. But the better to prevent their taking any fuch advantage for the future, I could wish that we may not spend more Mornings about Irish Cattle, nor East-India Trade, until the Business of the Plot and Popery be more off our hands. But in order to farisfy his Majesty of our Obedience to his Commands, I agree both for the Committee, and Trial of the Lord Stafford.

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Resolved, That a Committee be appointed, to draw up an An Address humble Address to his Majesty upon the Debate of the voted. House, in answer to his Majesty's gracious Message.

Reliabled, That this House will proceed in the Prosecution Lord Stafford's of the Lords in the Tower, and will forthwith begin with Trial refolv'd William Viscount Stafford.

The 11th of November, 1680. Sir William Jones reports from the Committee appointed to draw up an Address to his Majesty, upon the Debate of the House, in answer to his Majesty's gracious Message; which he read in his Place, and afterward delivered the same at the Clerks Table; where being read again, was upon the Question agreed to by the

The Address to his Majesty from the Commons.

' May it please your most excellent Majesty, We your The Address. Majesty's most loyal and obedient Subjects, the Commons in this present Parliament assembled, having taken into our most serious consideration your Majesty's gracious Message, brought unto us the ninth Day of this Instant November, by Mr. Secretary Jenkins, do with all Thankfulness acknowledge your Majesty's Care and Goodness, in inviting us to expedite fuch Matters as are depending before us, relating to Popery and the Plot. And we do, in all Humility, represent to your Majesty, that we are fully convinced, that it is highly incumbent upon us, in Discharge both of our Duty to your Majesty, and of that great Trust reposed in us by those whom we represent, to endeavour, by the most speedy and effectual ways, the Suppression of Popery within this your Kingdom, and the bringing to public Justice all fuch as shall be found guilty of the horrid and damhable Popish Plot. And though the time of our fitting (abating what must necessarily be spent in the chusing and presenting a Speaker, appointing grand Committees, and in taking Ggg 2

Anno 22 Car. II. taking the Oaths and Tells enjoined by Act of Parliament hath not much exceeded a Fortnight; yet we hve in this time not only made a confiderable Progress in some things which to us feem, and (when prefented to your Majesty in a parliamentary way) will, we truft, appear to your Majesty to be absolutely necessary for the Safety of your Majesty's Perfon, the effectual Suppression of Popery, and the Security of the Religion, Lives, and Estates of your Majesty's Protestant Subjects: But even in relation to the Trials of the five Lords impeached in Parliament for the execrable Popish Plot, we have so far proceeded, as we doubt not but in a short time we shall be ready for the same. But we cannot (without being unfaithful to your Majesty, and to our Country, by whom we are entrufted) omit, upon this occasion, humbly to inform your Majesty, That our Difficulties, even as to these Trials, are much increased by the evil and destructive Councils of those Persons who advised your Majesty, first to the Prorogation, and then to the Dissolution of the last Parliament, at a time when the Commons had taken great pains about, and were prepared for those Trials. And by the like pernicious Counfels of those who advised the many and long Prorogations of the present Parliament, before the same was permitted to fit; whereby some of the Evidence which was prepared in the last Parliament, may possibly (during so great an Interval) be forgotten or lost; and some Persons, who might probably have come in as Witnesses, are either dead, have been taken off, or may have been discouraged from giving their Evidence. But of one mischievous Consequence of those dangerous and unhappy Counsels, we are certainly and fadly sensible, namely, that the Testimony of a material Witness against every one of those five Lords (and who could probably have discovered, and brought in much other Evidence about the Plot in general, and those Lords in particular) cannot now be given viva voce; for as much as that Witness is unfortunately dead, between the Calling and the Sitting of this Parliament. To prevent the like, or greater Inconveniencies for the future, we make it our most humble Request to your most excellent Majesty, that, as you tender the Safety of your Royal Person, the Security of your loyal Subjects, and the Preservation of the true Protestant Religion, you will not suffer yourself to be prevailed upon by the like Counfels, to do any thing which may occasion, in consequence (though we are assured never with your Majesty's Intention) either the deferring of a full and perfect Discovery and Examination of this most wicked and detestable Plot, or the preventing the Conspirators therein from being brought to speedy and exemplary Justice and Punishment. And we humbly befeech your Majesty to

rest assured, (notwithstanding any Suggestions which may Anno 12 Car. 1L. be made by Persons, who, for their own wicked Purposes, contrive to create a diffrust in your Majesty of your People,) that nothing is more in the Defires, and shall be more the Endeavours of us, your faithful and loyal Commons, than the promoting and advancing of your Majesty's true Happiness and Greatness.

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" Mr. Speaker, Sir, I hope this Address will fatisfy his George Vernon.

Majesty, that this House hath not been negligent in the Profecution of the Plot and Popery, and that it will create in his Majesty a good Opinion of our Proceedings, that so we may not meet with any Interruption in the Perfecting of those Bills which are necessary for the Good of the King and Kingdom, and may have the Glory of having been infirumental in accomplishing that Security which the Nation so much defires in point of Religion, and in making his Majety's Government not only more easy to him, but so formidable, as that he may become a Terror to his Enemies, and in a Capacity to give Affistance to his Friends both at home and abroad; and, if possible, so reconcile all Divisions, as that there may be no Distinction but of Papists and Protestants, nor of that neither, if there could be a Way found out to prevent it. For I know this House wants nothing but Opportunity to express their Loyalty to the King, and Love to the Protestant Religion, and their Country; but I am afraid that all our Endeavours will prove ineffectual, unless we can remove from his Majesty all Counfellors that advise him in favour of the Popish Interest, and such as influence him in favour of that Party. I do not mean little ones, but fuch as by Experience we had found, have in the time of our greatest Danger exercised a kind of uncontrolable Power. The Witnesses which you have heard this Day at the Bar, as to the wicked Plot of the Papists in Ireland, and in what a dangerous Condition the poor Protestants are there, how exceeded in Numbers by their Enemies, and deserted by their Friends, added to the Evidence we have of the Plot in England, hath given to me a new Prospect of the deplorable Condition we are in; and therefore, although it be a little late in the Day, feeing here is a full House, and of such Persons as I believe will never think any thing too much, that is fo neceffary for the Good of their King and Country; I hope you will not think it unfeatonable, that I should now move you, that the ingroffed Bill, for difinheriting James Duke of York, be read.

The Bill amended as the House had ordered was read, The Exclusionentituled, An Act for securing of the Protestant Religion, by Bill, as amend-disabling James Duke of York to inherit the imperial Crown of ed.

England

Anno 32 Car. II. England and Ireland, and the Dominions and Territories thereums 1680. belonging.

> WHereas James Duke of York is notoriously known to have been perverted from the Protestant to the Popish Religion; whereby not only great Encouragement hath been given to the Popish Party to enter into, and carry on most devilish and horrid Plots and Conspiracies, for the Destruction of his Majesty's sacred Person and Government, and for the Extirpation of the true Protestant Religion: But also, if the said Duke should succeed to the imperial Crown of this Realm, nothing is more manifest, than that a total Change of Religion within these Kingdoms would ensue. For the Prevention whereof, Be it enacted by the King's most excellent Majesty, by, and with the Advice and Consent of the Lords Spiritual and Temporal, and the Commons in this present Parliament assembled, and by the Authority of the same, That the said James Duke of York shall be, and is by the Authority of this present Parliament, excluded, and made for ever uncapable to inherit, possess, or enjoy the imperial Crown of this Realm, and of the Kingdom of Ireland, and the Dominions and 'Territories to them, or either of them, belonging; or to have, exercise, or enjoy any Dominion, Power, Jurisdiction or Authority in the same Kingdoms, Dominions, or any of them.

> " And be it farther enacted, by the Authority aforesaid, That if the faid James Duke of York shall at any Time hereafter, challenge, claim, or attempt to possess, or enjoy or shall take upon him to use or exercise any Dominion, Power, or Authority, or Jurisdiction, within the said Kingdoms, or Dominions, or any of them, as King, or chief Magistrate of the same; That then, he, the said Iames Duke of York, for every fuch Offence, shall be deemed and adjudged guilty of High-Treason; and shall fuffer the Pains, Penalties, and Forfeitures, as in case of High-Treason. And farther, That if any Person or Perfons whatsoever, shall assist, or maintain, abet, or willingly adhere unto the said James Duke of York, in such Challenge, Claim, or Attempt, or shall of themselves attempt, or endeavour to put or bring the faid James Duke of York, into the Possession, or Exercise of any regal Power, Jurisdiction, or Authority, within the Kingdoms and Dominions aforesaid, or shall by writing, or preaching, advisedly publish, maintain or declare, That he hath any Right, Title, or Authority, to the Office of King, or chief Magistrate, of the Kingdoms and Dominions aforesaid; that then every such Person shall be deemed

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and adjudged guilty of High-Treason; and that he suffer Anno 32Car.II.
and undergo the Pains, Penalties, and Forfeitures afore-

And be it farther enacted, by the Authority aforesaid, That he, the said James Duke of York, shall not at any Time, from and after the sifth of November 1680, return, or come into, or within any of the Kingdoms or Dominions aforesaid; otherwise he, the said James Duke of York, shall be deemed and adjudged guilty of High-Treason; and shall suffer the Pains, Penalties, and Forseitures, as in case of High-Treason: And farther, That if any Person or Persons whatsoever shall be aiding or assisting unto such return of the said James Duke of York, that then every such Person shall be deemed and adjudged guilty of High-Treason; and shall suffer as in Cases of High-Treason.

'And be it further enacted, by the Authority aforesaid, 'That he, the said James Duke of York, or any other Per'son, being guilty of any of the Treasons aforesaid, shall not be capable of, or receive Benefit by any Pardon, otherwise 'than by Act of Parliament, wherein they shall be particularly named; and that no Noli Prosequi, or Order for stay of 'Proceedings, shall be received or allowed in, or upon any 'Indictment, for any of the Offences mentioned in this Act.

And be it farther enacted and declared, and it is hereby enacted and declared, That it shall and may be lawful to, and for any Magistrates, Officers, and other Subjects what-soever of these Kingdoms and Dominions aforesaid; and they are hereby enjoined and required to apprehend and secure the said James Duke of York, and every other Person offending in any of the Premisses; and with him or them, in case of resistance, to sight, and him or them by Force to subdue: For all which Actions, and for so doing, they are, and shall be, by virtue of this Act, saved harmless and indemnissed.

'Provided, and it is hereby declared, That nothing in this 'Act contained shall be construed, deemed or adjudged, to 'disenable any other Person from inheriting and enjoying the 'imperial Crown of the Realms and Dominions aforesaid; '(other than the said James Duke of York.) But that in 'case the said James Duke of York should survive his now 'Majesty, and the Heirs of his Majesty's Body, the said imperial Crown shall descend to, and be enjoyed by such 'Person or Persons successorily, during the Life of the said James Duke of York, as should have inherited and enjoyed the same, in case the said James Duke of York were 'naturally dead; any thing contained in this Act to the contrary notwithstanding.

Anno 32 Car.II.

And be is farther enacted, by the Authority aforesaid, That during the Life of the said James Duke of York, this Act shall be given in charge at every Assizes, and general Sessions of the Peace within the Kingdoms, Dominions and Territories aforesaid,; and also shall be openly read in every Cathedral Church, and Parish Church, and Chapels, within the aforesaid Kingdoms, Dominions, and Territories, by the several respective Parsons, Vicars, Curates, and Readers thereof, who are hereby required, immediately aster divine Service in the Forenoon, to read the same twice in every Year; that is to say, on the 25th of December, and upon Easter-Day, during the Life of the said James Duke of York.

Sir L. Jen-

Mr. Speaker, Sir, this great Business cannot be too well confidered, before you come to a final Resolution therein. I will not now offer you any prudential Arguments against this Bill; because I did offer several at the last reading. But, Sir, I would defire you to confider, that this Prince is Brother to our present King, and Son to our late pious King Charles the first; for whose Memory this Nation hath a great Veneration: That this Prince is enriched with excellent Endowments, which he hath employed in the Service of this Nation, by fighting our Battles, and defending us from the Oppression of our Enemies; and is only guilty of this one Crime, which, I hope, upon mature Deliberation, will not deserve so great a Condemnation. Sir, I know it is usual for this House to proceed in Affairs of less Importance, with all the Calmness, Justice, and Prudence, that can be imagined; and therefore I hope you will be careful how you deviate from those Mea. fures, in a Business of this nature. I would once more remember you, that there are Laws already for the Punishment of the Crimes he is accused of; and therefore humbly conceive, you ought not to chaftife him, by making a new Law; especially with that Severity, which is, by this Bill, now intended, before any Hearing.

Sir, for my part, I have taken the Oath of Allegiance, and think my felf therein bound to him, as Heir, until it please God that his Majesty have Children. I know of no Power on Earth, that can dispense with my Oath; and therefore I cannot (so much as by being filent) give my Consent to this Bill, less I therein wrong my Conscience; seeing I have the Honour

to be a Member of this House.

I do not doubt but most here have a great esteem for the Church of England, as Members thereof: I could wish they would consider what a great Blow this Bill will give to our Religion, and to our Church. To disinherit a Prince for no other Cause, but for being of a different Opinion in some Points

Points of Faith, is, I think, quite contrary to the Principles of Anno 32 Car. 11. the Religion we profess, and also to the established Laws of this Land. And if fuch an Act, when made, should be of any validity, I do conclude, that you will thereby change the Constitution of this Monarchy, and make it in a manner elective; and therefore I humbly move you, that the Bill may be thrown out.

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'Mr. Speaker, Sir, I desire leave to offer some Objections, Sir Richard which, in my Opinion, do justly arise against this Bill. I Mason. think there ought to be a Proviso, That if the Duke should turn Protestant, that then the Bill should be void, and he not excluded from his Right; that fo we may not leave him without some Temptation to return to the Protestant Religion. And, Sir, I think there ought to be a Proviso, that in case the Duke should have a Son, after either of his Daughters (if it should be their fortune) have ascended the Throne, for the referving of him a Right. For there is a Possibility, that if the Duke should out-live the King, he may have a Son, after that his Daughters, by virtue of this Act, may have taken the Crown. I suppose, as there is no Intent to chastise the Daughters for the Father's fake, fo not the Son; and therefore I humby move you, that fome Proviso may be added, to

fecure him his Right, if any fuch thing should happen. " Mr. Speaker, Sir, the honourable Member that spoke be- Lionel Walfore, made large Encomiums on the Duke, extolling his En-den. downents and Services to the Nation. For my part, I think, that the better qualified he is, the greater is our Danger. But as to what he faid, of having fought our Battles, and done great Things for this Nation, I think he hath not done fairly by the House; for he should have told us, How the Triple League was broke, and my Lord of Sandwich loft his Life; how he changed his Religion, and hath ever fince encouraged Popery, and affifted that Interest; how the City of London was burnt, and the Actors discharged; how the Discovery of the Popish Plot was prevented as much as it could be, and the Presbyterian one encouraged; that so we might have all before us.

He was going on more feverely, but was interrupted:

' Mr. Speaker, Sir, although it hath been faid, that no Laurence good Protestant can speak against the Bill; yet, Sir, I cannot Hyde. forbear to offer some Objections against it. I do not know that any of the King's Murderers were condemned without being heard; and must we deal thus with the Brother of our King? It is such a severe Way of proceeding, that I think we cannot answer it to the World; and therefore it would consist much better with the Justice of the House, to impeach him, and try him in a formal Way; and then cut off his Head, if he deserve it. I will not offer to dispute the Power TOME I.

Anno 32 Car. II of Parliaments; but question whether this Law, if made, would be good in itself. Some Laws have a natural Weakne's with them. I think, that by which the old long Parliament carried on their Rebellion, was judged afterward void in Law; because there was a Power given, which could not be taken from the Crown. For aught I know, when you have made this Law, it may have the same Flaw in it; if not, I am confident there are a loyal Party, which will never obey, but will think themselves bound, by their Oath of Allegiance and Duty, to pay obedience to the Duke, if ever he should come to be King, which must occasion a Civil War. And, Sir, I do not find that the Proviso, that was ordered to be added for the Security of the Duke's Children, is made strong enough to secure them, according to the Debate of the House; it being liable to many Objections; and the more. because the Words, presumptive Heir of the Crown, are industriously left out, tho' much insisted on when debated here in the House. Upon the whole Matter, my humble Motion is, that the Bill may be thrown out.

Sir William Jones.

' Mr. Speaker, Sir, I am very unfit to speak in this Place, being a Member but of Yesterday; but I will rather adventure to draw a Censure on myself, than be wanting to serve my Country (feeing they have called me hither) in a Business of fo great Importance, I think, as great as ever was debated in an House of Commons. I can truly affirm, that I have a great Respect for the Duke of York; and therefore, as well for the Preservation of the Protestant Religion, I am for this Bill. For I take it for granted, That it is impossible that a Papill should come to the Possession and quiet Enjoyment of this Crown, without wading thro' a Sea of Blood, and occasioning fuch a War as may, for aught I know, shake the monarchical Government of this Nation, and thereby not only endanger himself, but his Children too. For no Man can foresee what may be the End of fuch a War, nor what Miseries it may bring on the Nation: But, in all probability, it may prove the deepest Tragedy that ever was acted on this great Theatre. For it cannot be imagined, that the great Body of Protestants which are in this Nation, will tamely submit to the Popish Yoke, which they will fee in time must be the Consequence of submitting to a Popish King, without some struggling And Wars begun upon the score of Religion are generally attended with more fatal and bloody Consequences than other Wars; and this may exceed all others that ever yet were made. And I see no way to prevent it, but by passing this Bill, which, so long as it excludes only him, and secures the Crown to his Children, is, I think, (as the Case stands) the greatest Kindness we can do him.'

Sir, I do much admire to hear some honourable and learned a Į

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learned Members fay, that this Bill is against natural Justice, Anno 32Car.!! because it condemns a Man before he is heard; and that it is 1680.

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' Sir, the first Objection, I think, is a great Mistake; for this Bill is not intended as a Condemnation to the Duke, but a Security to ourselves; and is so far from being against natural Justice, that the passing of it is agreeable to the very Foundation not only of natural Justice, but natural Religion too; the Safety of the King and Kingdom depending thereon, which, according to the Rules of Juffice and Religion, we are bound to use our Endeavours to preserve, before any one Man's Interest. That about the Oath of Allegiance I do a little admire at; for it is the first time I ever heard that Oath pleaded in favour of Popery. I have oftentimes had occasion to scan the Meaning of that Oath, but never found it extended to the Successor during the King's Life; and therefore no need of any Dispensation in that Point. And I cannot understand, how it can be any Scandal as to our Church or Religion, if by Church be meant our Protestant Church. Can our Church, or Churchmen, be scandalized because we endeavour to fecure ourfelves against Popery by all lawful Means? I rather think the very Supposition an high Reflection on our Churchmen, as rendering them willing to let in Popery, which I am confident they are not. As to what is aid, that the Law will be void in itself, and that there will be a loyal Party that will never obey it, and that it will occasion 2 Civil War; I must confess these are strange Arguments to m: For, to doubt that the Legislative Power of the Nation, King, Lords and Commons, cannot make Laws that shall bind any, or all the Subjects of this Nation, is to suppose there is such a Weakness in the Government as must intallibly occasion its Ruin. And therefore I am of Opinion, that what Laws you make in this Case, will carry as much Right and Strength with them, not only now, but after the King's Death, as any Law whatfoever. And how then can there be a loyal Party that will not acquiesce therein, unless the Word Loyal have some other Signification than I know of? I take it to be a Diffinction that can only be given to fuch as obey Laws; and, I think, we need not doubt, but if once this Law were paffed, there would be Protestants enough, whose

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Inno 12 Car. II. Interest it will be to defend it, that would compel an Obes dience to it. And we have much more reason to fear a Ci. vil War without it, than with it; for if we can get this Bill. we may be thereby fo united, and enabled to defend our felves, as that the Popish Party may never have the Confidence to attempt us; but without it we shall not be in any Capacity to defend ourselves; which, above all Things, may encourage a Civil War. As to the Proviso, for securing the Right to the Duke's Children, if it be not strong enough, I am ready to give my Vote it should be stronger; but I take it to be as full and comprehensive as can be made; at least, I take the leaving out the Words, presumptive Heir to the Crown, to be no Objection against it : For there is no such Word in our Law-Books, nor no fuch Term in treating of the Succession; and therefore I hope you will be careful how

you make a Precedent in that Case.

And, Sir, as I do not find there is any Weight in the Arguments that have been made against this Bill; so I think, that if the Preservation of our King, our Government, our Lives, and our Religton, be Things of Moment, that there is much to be faid for it. For although the Malignity of Men cannot deface his Majesty's Goodness; yet by affilling the Popish Faction, they have spoiled the beautiful Face of the best Government in the World, by breaking that good Correspondence that there ought to be between the King and his People; by dividing us in Points of Religion; and by being the Cause of just Jealousies and Fears: By which his Majefly is reduced to great Difficulties and Trouble, in the Administration of his regal Authority; and the Credit, Peace, and Tranquillity of the Nation almost irrecoverably lost. As to all which, the Art of Man cannot find out any Remedy, as long as there is a Popish Successor, and the Fears of a Popish King; and therefore I humbly move you this Bill may pass.

Sir Francis Winnington.

'Mr. Speaker, Sir, the Arguments that have been used against this Bill may be very excellent to lull us into a fatal Security, by possessing us with Opinions, that there is no need of taking fo much care about Popery; or that we ought not to oppose it; or that it will be to no purpose, because we have no Power to hinder it. But I do not fee what Weight they have in them, grounded on any other Confideration, to hinder the passing this Bill. Rather, for the same Reason that such Arguments as these here offered against this Bill, and fuch Endeavours used abroad to reconcile the People to have a better Opinion of Popery than formerly, I think we ought to be the more zealous for this. Bill; because nothing can give a greater Encouragement and Affistance to Popery, than the growth of such Opinions, nor prevent their Delign who are industrious to infuse them, than the passing of this

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Bill. Whoever will confider how this Monarchy hath decli-Anno 12 Citate ned in Grandeur, Honour, and Reputation abroad, by the Destruction of our Navy in 1666, and the little Appearance we have ever fince made, of being formidable at Sea; but above all, our Ministers Double-Dealing in the making of Alliances, or performing of them, (in order to keep up our Interest with France.) How from being Umpire to all this Part of the World, according to the Advantage which we have by our Situation, we are become the defpicablest Nation in Europe. How the Government is weakned at home, not only by Fears and Jealousies, but by the Debaucheries and Divisions which have been promoted amongst our People; how narrowly we escaped Ruin when the City of London was burnt, as well as when the Toleration came out, and the Army was at Black-Heath? as lately by the horrid Plot, if it had not been discovered; how there is nothing stands between us and Death, but the King's Life; and how all these Dangers, past and present, do arise from Popery: And how impossible it is it should be otherwise, as long as there is a Popish Successor, we may justly admire there should be any Arguments offered in this Place to lessen our Care for preventing the Growth and Power of Popery. I cannot tell how these learned Members understand natural Justice; but I am of that Opinion, that Self-preservation, and the Preservation of our Religion, and the Life of our King, by all lawful Ways, is very agreeable to natural Justice. And I do admire to hear such a Construction made of the Oath of Allegiance, that it binds all Persons to the next Heir, as well as to the King. For it is a most dangerous Maxim, and may be of ill Consequence, if ever the next Heir of the Crown should make a Rebellion; for he may thereby challenge Allegiance from the People, as well as the King; which might be of pernicious Consequence. And I do not see wherein our Church or Religion can be scandalized by this Bill. For we do not disinherit this Prince for his Religion, but to save our own, and to prevent the manifest Ruin of the Nation. And therefore I think it is a Kindness to the Church, above all Acts whatfoever; because the only Way to preserve it, I mean the Protestant Church. And those Objections that have been made against the Lawfulness and Validity of this Act, do not weigh with me; but, notwithstanding what hath been said, I do believe it will be as good in Law, if once it be pass'd, and will be as well observed too, as any Act whatsoever. The King hath his Right from God, and, as supreme, is accountable to none; his Person sacred, and, by our Laws, can do no Wrong. If we should give all these Qualifications to a Succeffor, as hath been, in some measure, infinuated, it would make a strange Confusion in the Government. Life itself, to which

22 Can Me which a Man hath as much Right, as any Successor can pretend to have to the Crown, is taken away upon some Fortei tures for the public Good. And as there may be a Forfeiture for Life, to there may be a Forfeiture of a Right to the Succession. And to doubt that there is not an unlimited, uncontrolable Power refiding somewhere in all Governments. to remedy the Exigencies that may happen, is to suppose there is fuch a Weakness in this, or any other Government, as that it must fall when a powerful Faction shall endeavour it. In this Nation, this Power is in the King, Lords, and Commons; and I hope they will make use of it to occierve the Government upon this Occasion. And I do not doubt, but if the Bill pass, all will obey it heartily, that wish well to the Protestant Religion. I am afraid, some Ministers of State, place their Safety in common Ruin; or otherwise, the fettling of this Affair would not have been to long delayed and opposed, as it hath been. Hath there not been contrived and practifed, and is there not still threatned, the greatest and certainest Ruin to this Nation, by this Bufiness of the Duke, that ever was yet projected; and must we be more stupished than our Ancestors? Doth not the Act of the thirteenth of Queen Elizabeth, make it Treason for any one to say, That the Parliament cannot alter the Succession? And in Henry the Eighth's sime, was not the Right of Succession changed, and rechanged by Act of Parliament?' He then instanced several Precedents, how the Succession had been settled and altered by Acts of Parliament, fince William the Conqueror's time, and concluded with a Motion for passing the Bill

Colonel Leg.

4 Mr. Speaker, Sir, it is my Misfortune to lie under the Differentation of being a Papist; but have now an Opportunity of flewing mylelf otherwise, in declaring that I am against this Bill; for I think there is none but Papists that are of Opinion, that a Man may be disinherited for his Religion. I have also an Opportunity to friew my Duty to my Master, in declaring, that those Reproaches which have been cast upon him are, in my Opinion, very unjust; because I believe he abhors the thoughts of doing those Actions that have been imputed to him; and therefore do think it very hard, that because he may differ with us in Points of Religion, that therefore his Reputation fliould thus be called in question in this House. Sir, I cannot enter into a Dispute with that worthy Member that spoke last, as to the Precedents he hath mentioned; because I know he is very learned in the Law; and the understanding of such things belong more particularly to such as have had that Education: But I humbly offer it to the Confideration of this House, Whether or no, if our English Histories be true, most of those Precedents were not accompanied with Anno 32 Car Ale Blood and Milery? And I am of Opinion, that if this Difinheriting-Bill should pass, it will not have better Success. I cannot doubt, but that this House is for keeping up the monarchical Government of this Nation. We all know, how the Balance hath been altered by Henry the Seventh's lessening the Peers; and Henry the Eighth's destroying the Church, and by the Sale of the Grown-Lands. I pray, Sir, let us have a care how we give a greater Blow than all this, by making the Grown elective. The King lost his Father by one Rebellion, I know this House would not willingly be the Cause of losing his Brother by another; which I am afraid, this Bill, if it should pass, will occasion hereafter; especially if we name no Successor: For which I am the more forry, because I do not know for whom to draw

my Sword."

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Mr. Speaker, Sir, I do observe, and am glad to see it, Sir H. Capeli that all that have spoken in this Business, pro or con, seem to agree, that we ought to do all we can to preserve the present Government, and prevent a civil War; but we differ about the Way: Some think, that this Bill is the only Way; and others are of a contrary Opinion, I cannot tell for what good Reason. For there being nothing intended by this Bill, but the Exclusion of the Duke only, in order to prevent the great Danger we lie under, by reason of his great Influence at Court at present; and those we fear, if ever a Popish King should ascend the Throne. There being nothing in the Bill that tends any way to prejudice the next Heir, it cannot, in my poor Opinion, weaken, much less tend to alter, the present Government, or be any Prejudice to the Royal Family, more than in the Exclusion of this one Person intended by the Bill. From whom there can be no fear of a civil War; unless we should imagine, that the People of this Nation, when they have a Law, upon the Observation and Execution whereof their Lives, Liberties, and Religion depend, they should be so great Brutes as not to value themselves thereon; but rather embrace a blind, superstitious Religion, and submit to all the Slavery imaginable. We may as well think that, after the King's Decease, the People will be willing to submit to the Government, and pretended Authority of the Pope himself, though they should be never so well able to defend them-The worthy Member that spoke last, did in a manfelves. ner affirm, that all the Precedents that have been mentioned, as to the Succession of the Crown by Act of Parliament, have been accompanied with Blood. If he would but take the pains to peruse the Histories of England, I think he would be of another Opiniou. But I am fure, none

Anno 32 Car. II. none ever equalized the short Reign of Queen Mary. The Barbarities which were exercised in her Reign, by Fire and Faggot, may be put into the Balance with all the Inconveniencies that ever happened by any Exclusion-Act. But, Sir, if it had been so, which I utterly deny, it would not have fignified much as to our Case; for in those Days, Matter of Right was always so consounded, (I mean, as to the Understanding of the People) by the many Arguments that were imposed on them by each Parry, that neither Point of Right, nor any Confideration, as to any thing of Interest, came fairly before them. Whether A. or B. should be King, was their only Question, without being loaden with any Difficulties; as to which the common and major part of the People in those days might probably be very indifferent. And yet, Sir, upon a full Examination it will be found, that most of those Acts of Parliament, touching the Succession, had the effect they were defigned for; and did serve as Expedients, to prevent those Miseries which were feared, and were the occasion of them. But, Sir, the Case will be now much otherwise, if ever you should be so unfortunate, as that the Duke should outlive the King, and you should come to try the Strength of this Exclusion-Bill: For the Question in this case will not be only whether A. which is excluded; or 8. which is the next Heir, shall, according to this Act, be King; but whether it shall be a Papist or a Protestant. Upon which it will plainly appear, the Safety of their Estates, Lives, and Religion, doth depend. Sir, I have heard and read of strange Things done by Popish Miracles; and I must confess, Sir, I have seen much of it; even amongst many that pretend to be good Protestaints, fince the Plot broke out; I mean, as to their believing any thing against Popery. If some such omnipotent Power should hereafter over-rule in such a Conjunction, haply this Bill, if it should pass into an Act, may be slighted and neglected; but otherwise I humbly conceive, it cannot be prefumed, that the Protestants should omit to make use of it, to save themselves from Popery and Slavery, which would be the confequence thereof; and thereby not only prevent a Civil War, but support the Government established in the right Line. The truth is, Sir, the most material Observation that I can make of the Arguments against this Bill is, that it is thought too good for us; and that it may probably be effectual for the securing of the Protestant Religion. And I am afraid, Sir, that this is the fatal Confideration that hath prevailed with some, to advise the King not to grant it. If we confider how all other Laws, which have been hitherto made against the Duke, have been defeated; we may, with some reason, fear the like Success of all others that shall be

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made; unless you can do something that may tend to chang. Anno 32 Car. II. ing of the Interest; which can never be done without this Bill. We have a great many old Laws against Papists; but I did never hear that any thing was done, by virtue of them, that ever prejudiced the Duke; it was once attempted by a Presentment made by a Grand Jury; the Success was, that a known material Law of the Land must be broken, by an extrajudicial Discharge of the Jury, rather than the Law a-gainst him should have any effect. There was a Law, not long fince made, obliging all Persons that held or executed any Office, to take the Transubstantiation Test: It is true. the Duke was so brave-spirited, as not to dissemble, and take the Test; though haply he was earnestly press'd with a Dispensation. Yet hath not that Law had any effect, in favour of the Protestant Religion: for though the Duke hath not fince acted in his Offices by himself; he put in, as his Deputies, Persons of so much Gratitude, as have in all things followed his Directions; fo that, as to himself, the Act hath not proved of any Force. There was another Act lately made, which was intended chiefly against him; I mean that of excluding Papists from sitting in either House; there he got himself fairly excepted by Name. Now we would secure our Religion by another Bill against him, I find it meets with opposition here; what it may meet with elsewhere, I cannot tell. But if such be his Power under a Protestant King; what may we not justly fear, if he should come to be King himfelf? I think, nothing less than Popery, Misery, and Slavery; from which we can never be saved but by having this Bill: And therefore I humbly move you, that this Bill may pass.'

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"Mr. Speaker, Sir, I will not fay, that Acts of Parlia- Daniel Finch. ment cannot dispose of the Succession; because it was made Treason, by a Statute in the 13th of Elizabeth, which I do not remember was ever repealed. But I will deny, that the Kings of England rule by virtue of any Statute-Law, as was suggested; for their Right is by so ancient a Prescription, as that it may justly be faid, to be from God alone; and that no Power on Earth ought to dispute it. And I am of opinion, that the Succession of the Crown is inseparably annexed to Proximity of Blood; and therefore am not yet altered in my opinion, that if this Bill should pass into a Law, it would be in idelf invalid. Which, with what hath been already faid, that we cannot in Justice answer the inflicting of this fevere Condemnation without hearing the Party concerned; and the Improbability of ever attaining this Bill, doth very much weigh with me for my Opinion against this Bill. But, Sir, I think there are many Doubts arise from the penning of the Bill. If the Princess of Orange should lii TOME 1.

Anno 32 Car. II. come to the Crown, during the Duke's Life, and the Duke should afterwards have a Son, must that Son lose his Right for ever? I see no Provision made by this Act to save his Right; and may not that occasion as great a civil War, between his Generation and the Princels's Children, as ever happened between York and Lancaster; and, Sir, I am still unsatisfied, as to that Proviso about the Duke's Children, and that it is not made as it ought to be; and I am afraid, that in the whole matter we are gratifying France, and the Papifts too, by laying a Stumbling-block of Division even amongst Protestants themselves, and giving so great an occafion for a civil War; which I hope you will endeavour to prevent, by throwing out this Bill.

Tohn Trenchard.

' Mr. Speaker, Sir, I have hearkned to the Objections that have been made against this Bill, which have not convinced me, that we want either a just Cause, or a legal Power, for the making of this Bill. If the Popish Interest be grown too strong for the Protestant, then any of these Arguments may serve; for Force and Power will supply the Defect of them. Otherwise I think they have been so fully answered, as that there is no need more should be faid about this matter; but I am forry to fee, that the Protestant Religion, and our Lives and Liberties, mult have nothing to depend on, but the Continuance of the King's Life, and the Good-nature of the Popish Party afterward. And this, after fuch Demonstration as we have of the Interest of that Party in France, Scotland, and Ireland, as well as here; and after a full Detection of the Growth of that Interest, by means of the Duke's; and of the Endeavours that are used to possess the Protestants, with several opinions that will tend very much to the strengthening of it; and a clear Discovery, that the Plo: in favour of Popery goeth on as much as ever. It hath created in me an opinion, that Popery is too strong to be subdued by Laws; and that, after this King's Life, the Protestant Religion must either be overcome by Popery, or defend itself by the Sword. At least, I believe, that this is the defign of some Men now about the King; but I hope he will at last hearken to the Advice of his Parliament, and prevent the Nation from falling into fo miferable a Condition. The Objection made about the Duke's Son, if he should have any, after either of his Daughters have taken possetsion of the Government, may, in some measure, be made against the course of Succession observed in all Kingdoms: If a King die, leaving a Queen, the next Heir is presently proclaimed, to prevent an Inter-regnum; though there be a possibility of the Queen's being with Child, to whom the Right should, in the first place, belong. If any fuch should be born, such a Settlement as is defigned

defigned by this Bill may deftroy the French and Popish Anno 32 Car. II. Interest, but can never be a Gratification to them. Our Anceftors, upon many occasions, settled and changed the Succession; Of which he gave many instances; and concluded

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After which it was refolv'd, that the faid Bill do pass; The Exclusionthat the Title be, An Act for securing the Protestant Reli-Bill pass'd. gion, by disabling James Duke of York, to inherit the Imperial Crown of England and Ireland, and the Dominions and Territories thereunto belonging: and that the Lord Russel do carry up the Bill to the Lords for their Concur-

November 12. The House resolved, that a Message be Proceedings afent to the Lords, to acquaint them with the Resolution of gainst Lord this House to proceed to the Trials of the Lords in the Stafford re-Tower, and forthwith begin with the Lord Viscount Staf- new'd. ford, and to defire their Lordships to appoint a convenient Day for the Trial of the said Viscount; and, likewise to defire their Lordships, that the Lords in the Tower may be confin'd and kept from Correspondence one with another, as usual in the like cases.

To which their Lordships reply'd the same day, That as to the Confinement of the Lords, they had already given orders as the House desired; and that as to the Trial of the Lord Viscount Stafford, they had appointed Tuesday come Formight for the faid Trial.

The 13th, Several Citizens of London having before de- And against livered in a Pétition against Sir George Jefferies the Recor- such as had opder of the faid City; and having made good their Allegations posed the Right before the Committee appointed to enquire after Persons who of the Subject to had offended against the Right of the Subject to petition, &c. petition. the House resolved, that the said Sir George Jesseries, by traducing and obstructing petitioning for the Sitting of this Parliament, hath betray'd the Rights of the Subject.

That an Address be made to his Majesty, to remove Sir George Jefferies out of all public Offices; and that the Members for London do communicate the Vote of this House, relating to Sir George Jefferies, to the Court of Aldermen for the faid City.

Order'd farther, That the Committee last mentioned do en- Debate on his quire after all fuch Persons as have been advising or pro Majesty's Mesmoting of the iffuing out of the late Proclamation against fige concerning tumulruous Petitioning, &c. and they are empowered to fend Tangier. for Persons, Papers, and Records

The 17th, His Majesty's Message about Tangier was ' His Majesty did, in his Speech at the Opening of this Seffion, defire the Advice and Affistance of his Parliament, in relation to Tangier: The Condition and Im-I11 2 oportance

Anno 32 Car. II. ' portance of the Place obliges his Majesty to put this House in mind again, that he relies upon them for the Support of

it; without which it cannot be much longer preferv'd. His Majesty doth therefore very earnestly recommend Tangier

again, to the due and speedy Care and Consideration of this

· House.

Sir William Jones.

Mr. Speaker, Sir, I am very forry that the Business of Supply for Tangier is now moved; because I take it to be a Place of great Importance, and that, as well for the Honour of the Nation, as Benefit of Trade, it ought to be preserved. But, Sir, we have now Things of greater Importance to look after, of fo preffing a nature, and of fo dangerous confequence, if delayed, that we cannot answer, either to our King or our Country, the preferring this before it. It is a Duty incumbent on us, to fecure Things at home, on which our All depends, before we enter into an Expence of Time about securing Things abroad. If an Enemy were but coming to invade us, it might be proper to fortify Dover-Castle, Portsmouth, or Plymouth, or any of our Port-Towns: But if an Enemy were actually landed, it would be more proper to strengthen London, or other in-land Cities or Towns. I am afraid, Sir, this is too much our Case; I am afraid we have got an Enemy within our Bowels, and a great one too; and that it is high time to make Preparation to oppose him. We have been already careless and inconsiderate too long; and shall we now go about Tangier, instead of continuing our Endeavours about that? Tangier may be of great Importance to Trade; but I am afraid, hath not been so managed, as to be any Security to the Protestant Religion. The Portugueze, when they delivered it up, did covenant to have one Popish Church remain there, for the Conveniency of some Priests and Friers, and others of that Nation that were permitted to flay there; but it was then agreed, That their Mortality should not be supplied, that so, after the decease of those Persons, the said Popish Church might be demolished, or converted to a Protestant Use: But I am well informed that it hath been otherwise managed; and that the Papists there are now more than ever. And was not my Lord Bellasis, now a Prisoner in the Tower for the Plot, Governor of Tangier? And, I think some others of that Religion; if not, I am fure the Soldiers and Commanders are most of that Religion; which makes me conclude, it is a kind of Nursery for Popish Soldiers; and haply for that Reason, as much as for the Advantage of Trade, may the Advice given his Majesty, in reference to Tangier, proceed. But, Sir, there is another Consideration, which will make the Debate of Tangier improper at this Time; it must end in Money, and not a little

Sum neither, enough to raife an Army; which, although in Annoge Cords. time I doubt not but this House will be willing to advance, as far as his Majesty's occasions shall require; yet I think, Sir, we are not ready for it as yet. We must be better satisfied into whole Hands it will go; whether to fuch Perfons as are for the Popish Interest, or Protestant; that so we may not be afraid, that, instead of going to the Support of Tangier, it should be employed to the Destruction of the Protestant Religion. When these things have been looked into, and secured, then it will be time to take care of Tangier, and of all other his Majesty's Dominions. In the mean time, our Duty binds us to give his Majesty all the satisfaction we can, as to our Proceedings; and therefore I humbly move you, that a Committee may be appointed to draw up an Address for that purpose."

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'Mr. Speaker, Sir, every one that knows how advanta- Laurence Hydes geously Tangier is situated, to command the greatest thoroughfare of Commerce in the World, and how by the Advantage of the Mole, it is like to prove an excellent Receptacle for our Merchant-Ships, to further and secure them in their Trading Voyages into the Streights, and for our Men of War, when they may be employed in those Parts, to check or oppose the Turks or other Enemies; how advantageous it is for carrying on a Trade with Spain, in cases of Extremity; and what hopes we have of opening a Trade into Barbary that way; I fay, every one that will confider those things, will, I suppose, have reason to conclude, that it is a Place of great Importance, and not to be flighted. And I cannot believe that it is any Nursery for Popish Soldiers, as hath been argued; for it is well known under what a Regulation our Soldiers are, not only here in England, but in Ireland too, of taking such Oaths and Tests as secures them to be Protestants. And therefore I am confident they were not Papists when they went hence, or from Ireland; and I have not heard there is any fuch Conversion made among them there, nor do believe there are so many Instruments there for that Work. If this Bufiness come before you unfeasonably at this time, it is because the Necessity of the Aftair requires hafte: For, either this House must speedily give some Affistance for Tangier, or else it will be lost. For the Moors are come down with fuch a mighty Army, and his Majesty hath been at so great an Expence already, that he is not able of himself to do more to oppose them. And this fudden Danger could not by any means have been foreleen; for the Motions of the Moors with their Armies are not like those of Europe, but more quick and sudden; and their Defigns and Confultations out of the reach of any Discovery by Intelligence, before put in execution. This Notice

Anno secar. II. Notice is more seasonable now, than it would have been after the Place had been loft, which I am afraid will be the next news, if fomething be not done by this House to relieve it. And therefore I humbly move you to think of some effectual way to relieve it for the present, and secure it for the

future, against the like Attempts.'

John Hampden.

' Mr. Speaker, Sir, among the rest of the Regiments that have been fent to Tangier, I think there is my Lord of Dunbarton's; haply that Air might have changed them, but I am fure they were looked upon as rank Papists all the while they were here, and, I believe, in Ireland too. I have heard that one Argument, that was lately given elsewhere against a Bill which we passed in this House, was, that the Duke had all the Papists in England ready for his Affistance; that his particular Friends had the Command of all the Places of Strength in this Nation; that he had an Army of twenty-two thousand Men in Scotland at his Command; that in Ireland the Papists were fix to one for the Protestants; and that most of the Princes of Christendom were combined for his Affistance; add to this, that the Go. vernment of Tangier is also at his command, and, I think, we shall have no great reason to give Money as yet; I am very well fatisfied, Sir, that we ought, and must pur a trust in the King; an Argument much used in former Parliaments, I do admire hath been so long forgotten in this. I am sensible too, that this Nation cannot be happy, unless there be fuch an Understanding between the King and his People, as that Money may be given. But, Sir, if the things I have repeated be true, as I am afraid they are, how shall we be fure, that what Money we give shall ever go to the King? May it not be intercepted by the mighty Power we have been speaking of? May it not be a great temptation for carrying on the Plot, especially as to that Part of it that refers to his facred Life? If there were no other Reason to be given but this, why we cannot at this time give Money, I think it enough: For there is a perfect Contradiction between the King's Interest and the Duke's Interest; and until we see about the King, Persons less engaged for the Duke's Interest, we cannot answer the giving of Money; and I humbly move you, that the Committee may make this Consideration part of their Address.'

William Harbord.

' Mr. Speaker, Sir, my Lord Bellasis hath not only been Governor of Tangier, but of Hull too; and what a Place is that to be entrusted with a Papist, I refer to your Consideration. And he was not only always in Places of great Trust, but in so great a Power, that none of the Laws of this Land could ever reach him. Only upon breaking out of the Plot, he was committed to the Tower; but now that

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he is there, he hath so much Power, (he or his Friends for Anno 32 Car. IL him) as that he hath all the liberty he can there defire; and farther Proceedings against him are kept off by Prorogations and Diffolutions of Parliaments. By which the Evidence of the most material Witnesses, as to the Plot, is lost, and great Endeavours have not been wanting to corrupt or defame the reft. By which it is plain, though he be in the Tower, yet his Interest is not much abated; insomuch, as many believe, that the Duke's Interest and Popery, is in a great measure carried on, upon Consultations held with him, and some of the rest in the Tower. At least this is certain, that they know all Secrets of State as foon as any Persons without. And therefore I think we are not yet ripe to give Money for Tangier. And, Sir, I am of opinion, that Tangier is a Nursery for Popish Soldiers; amongst the rest, I think Captain Tom is there, who was to have headed the Apprentices Mutiny in London, and, if I be not misinformed, a Captain too for that intended eminent Service. When we are affured that we shall have a good Protestant Governor and Garrison in Tangier, then I shall heartily give my Vote for Money for it; but I am afraid that will never be, until we are fure of a good Protestant Successor Sir, I fee that new Dangers start up daily, and at home. that the Popish Interest is strong enough to bid defiance to the Protestants, the Power and Merits of the Duke being magnified frequently above the King's. How to prevent the Growth of it, I do not know; all that we can do at this time is, to appoint a Committee to draw up an Address (as hath been moved) to represent things fairly to the King, and pray, Sir, let it be drawn with that Duty and Humility as becomes Subjects, but with that Truth and Plainness as becomes a true English House of Commons."

'Mr. Speaker, Sir, I am very fensible of the Danger of EdwardDeering, Popery, and am forry to fee that our Danger is now greater, than it was feven Days ago; feeing we are not like to have those Laws to secure us, which we hoped for; and therefore I am not for entering into any Debate about Money. But, Sir, seeing that Tangier is a Place of so great Importance, and in so great Distress, and seeing his Majesty hath to heartily and earnestly recommended it to the Care of this House, as well by this Message, as by his Speech at the Opening of this Parliament; I humbly conceive you will do well to order, that a true Account be brought in of the State of Tangier, that so it may be in a readiness to be confidered at a more leisure time, when you have found out, and are affured, that you shall have some Expedients to secure you from Popery, that may fatisfy this House instead of the Exclusion-Bill. Some such order may satisfy the

Anno 32 Cariff. World, that we were making all the hafte we could to fupply it, that so the Loss of it (in case it should so happen) may not be imputed to this House. And I make no doubt but there may be some way found out, so to lodge and appropriate the Money, as that it may be secure for that use; and therefore I humbly move you that you would order, that an Account of the State and Condition of Tangier may be brought in.

Col. Birch,

'Mr. Speaker, Sir, I could wish our Fears and Jealousies were either so inconsiderable, or so well over, as that we were ripe to confider the State of Tangier, and into whose hands to lodge Money for it. But if our Bill be miscarried, and the Power and Strength of the Duke's Party be as I have heard, I think we ought in the first place to consider, whether we have any thing to give or no. And if we find we have not, or that it is in great jeopardy, I think we ought first to secure that a little better, before we treat of securing Tangier. I confess the Arguments that I hear have been used elsewhere against our Bill, have a little startled me. For now I fee why all the Laws made against the Duke have proved ineffectual; and that notwithstanding all the Endeavours of Parliament, he hath had the Administration of all Affairs, not only in England and Scotland, but I think in Ireland too, (if we believe the Irish Witnesses,) even fince the breaking out of the Plot: Even because the Duke and the Popish Interest are, I am afraid, strong enough for the King and the Protestant Interest. And, if so, I think we may take it for granted, that we have not any thing of our own; for I conclude, if Popery come in, not only the Church-Lands, but all the Lands we have will be little enough for them; for they will never want a good, holy, fanctified, religious Pretence, to take them from us: Rather than fail, I doubt not but that they will be able convincingly to make out, that we are Baffards, or that they have a Right jure divino; to which there can be no oppolition.

· Sir, I think we cannot answer to God nor Man the giving of Money, until there be a great Reformation all over the Nation, as to Persons in Trust and Command. Not but that there are very worthy Men in feveral Places; but I am afraid, no where without being overpowered by fuch who are for the Duke's Interest: And for my part, I defire to speak plain, I cannot make any Distinction between the Duke's Interest and the Popish Interest. If there be any body that can split that Hair, I wish he would do the House that Service; for I take it to be a material Point, and fit to be agreed some way. And if it be so, Sir, can we give Money, as long as there are eleven to feven in some Places

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certainly known, and all in others, and in Places of great Anno 32 Car. II. Importance too?

Sir, I am very sensible that this Session can never be successful, nor the Nation happy, unless we come to have so fair an Understanding with his Majesty, as that we may freely give him Money; which feeing it cannot be done with any Security to the King or his Government, as long as the great Affairs of this Nation are thus influenced, that there may be no just cause of having any Impuration lie at our door, I agree in the Motions that have been made for an Address, and desire it may be drawn very full and

' Mr. Speaker, Sir, I am much afraid of Tangier, but George more of a Popish Successor. By the one we may lose some- Vernon, thing of Trade; but by the other, our Religion, and all we have, stands in danger. And therefore, until we are secured as to that, for my own part, I do not think myself concerned in any thing else. Sir, for these two Years last past, there hath been talk of Expedients to secure us against Popery; I believe it was only to quiet our Thoughts, while Popery steals on upon us. For we are so far from having any Expedients brought to perfection, to secure us against Popery, that all Endeavours go on as much as ever to bring in Popery: Parliaments are kept off; the Witnesses as to the Plots, both English and Irish, abused and consumed; the Churchmen fet up to labour for a Profecution of the Diffenters, in order to divide yet more the Protestant Interest; and false Witnesses, in favour of Popery, countenanced and encouraged.

' Sir, these are strange Expedients against Popery; I begin to be perfuaded, that our Case is very desperate, and that the Popish Party themselves cannot contrive any thing for us that will look like an Expedient: For I make no doubt, but the whole Cabal of Jesuits have been at work about it, and that they would have spawned something, if it had been possible, before now. But I believe it is found to be very difficult to find out any thing that will look like an Expedient, and yet not prove so: And therefore now they are plainly carrying on those things that must be prosecuted in order to establish Popery, in case the Expectation of Expedients should not longer lull the People asleep; the ridiculing of the Plot, the Divisions between our Churchmen and Diffenters, and the Danger or Inconsistency of Parliaments with a monarchical Government: Which things will deserve a longer Debate, when you shall think good to appoint a Day for them. But, in the mean time, without en-dangering the Religion and Government of the Nation. But that we may always shew to his Majesty's Messages, that TOME I. Kkk

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Anno 32 Car. II. Respect which is due to them, and, if possible, satisfy him, that our Resolutions are grounded on true Reason, let a Committee be appointed to draw up an Address, upon the Debate of the House.

Silas Titus.

'Mr. Speaker, Sir, I think that nobody should move you to take the State of Tangier into your confideration at this time, without an Apology: For, if we should be persuaded thereto, we may be reflected on, as Nero was, for being playing on his Fiddle when Rome was on fire. When we are in such danger to have our Throats cut from within, to what purpose will it be to spend our time about securing things abroad? Especially when we plainly see, it cannot be effected by any Supplies, without increasing our Fears and Dangers of our Destruction. Is not all England in danger to be lost? Let us secure the Ship, before we dispose of the Cabbins. When we are secure against a Popish Successor, and the Fear of having a Popish King, then it will be time to think of Tangier: For, as the Power of a Popish Succesfor hath lately appeared in the Opposition made to our Bill, fo, I make no doubt but it will appear in the Management of our Money too, if we should give any. When the Stomach is clean, what Food a Man takes turns to Nutriment, and preserves the Life and Strength of the Body; but when the Stomach is foul, Food turns to Humour and Destruction. Sir, so it is with the Body politic: When the King shall be pleased to remove from him such as give him ill advice, and are against the Protestant Interest, that so we may have reaion to presume, that the Money will be employed for our good, then I hope we shall be ready to shew our Duty, in giving as much Money as his Occasions shall require; othertherwise I am afraid we may be served as we have been formerly. I remember when 1,100,000 l. was given for building of Ships, and not one Ship built; and above two Millions given to support the Triple League, and then it was presently employed for the breaking of it; when 1,200,000 l. was given for an actual War with France, when at the fame time we were under all the Obligations for Peace, and so continued. Sir, these are such material Memento's, as we ought never to forget, until we have more cause to look forwards, and not backwards; which I pray God we may have very speedily, and then I shall be ready to join in giving of Money, and be very well content to forget all that is past. But I yet think our Condition is not so happy, but rather fear the Management of our Affairs is very much out of order: For, though we had never more Treasurers, we had never less Money; never more Admirals, yet never a worse Fleet; and though never more Counsellors, yet never less Safety. Of which I hope his Majesty is, or will be

sensible. For it cannot be imagined, that, seeing he hath Anno 32 Car. II. fo much care for Tangier, he should want any for the Nation. That we may do our duty in giving him the best advice we can, let us give him the Grounds and Reasons of

our Proceedings by an Address, as hath been moved.

'Mr. Speaker, if ever there should happen in this Na- Lord Russel. tion any fuch Change, as that I should not have liberty to live a Protestant, I am resolved to die one; and therefore would not willingly have the hands of our Enemies strengthened, as I suppose they would be, if we should give Money while we are fure it must go to the hands of the Duke's Creatures. Doth not the Duke's Interest endanger the King's Life? And are not our Lives and Fortunes in danger to be swallowed up by his Power? And shall we yet make them stronger by putting Money into their hands? No Sir, they are too ftrong already; but whenever his Majesty shall be pleased to free us of the Danger of a Popish Succeffor, and remove, from his Council and Places of Trust, all those that are for his Interest, (because there can be no distinction made between the Duke's Interest and Popish) then, Sir, I will conclude, that what Money we shall give, will be disposed of according to his Majesty's own Royal Pleasure, and for the true Protestant Interest. And I shall be ready to give all I have in the world, if his Majesty should have occasion for it; but in the mean time I pray, Sir, let us not endeavour to destroy our selves by our own hands. It we may not be so happy as to better the Condition of the Nation, I pray, Sir, let us not make it worse. And until the King shall be pleased to give us encouragement to express our Duty and Loyalty to him, by giving him Money, let us do it by making an Address.'

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'Mr. Speaker, Sir, I have reason to have some know- William ledge of Tangier, having been there myself, and conversed Lenthal. all my Life-time with Persons that have gone up and down the Streights, and been there many times, but I cannot agree with those worthy Members that make it a Place of to great Importance. That we shall ever thereby open a Trade with the Moors is a mere chimæra; they will not have any Trade with us. All the hopes we can have of any Advantage from it, is from the Mole, if it should be finished. But I am afraid we have seen the best of it, and that it will hardly ever be brought to more perfection than But, Sir, if it should, in a time of Peace with Spain, it will be of little use to us; for the Bay of Cadiz is upon feveral Accounts fo much more convenient for Ships to stop. at, that it will always be preferred. For they will not only have a Safe-riding, but the Merchant Ships great Advantages made by Freight of Sales of Goods, which generally Kkk 2

Anno 32 Car. II. happens in that Port, and of good Company, whether going up or down the Streights. Our Men of War do not there want Conveniencies to careen, or other Necessaries, and will be then more ready to do the Nation Service, by convoying Ships, than at Tangier, as also to carry on the Money Trade. But it is true, that in a Time of a War with Spain, it would be very serviceable to us But if it must cost 100,000 l. per Annum, and if a War with Spain be not like to happen one Year in twenty, I am of opinion that the certain Charge will amount to more than the uncertain Inconveniency, and therefore that we need not be so extremely concerned for it.'

Thomas Lucy.

'Mr. Speaker, Sir, I should not have concerned myself in this Debate, but that I differ from that worthy Member that spoke last: For I think it would be a great Blow, not only to the Honour, but to the Trade of the Nation, if Tangier should be lost: For it will always be serviceable, as well for our Men of War to refort for Provisions, and to be cleaned, in order to check the Rapine of the Turks, or oppose other Enemies, as for the Protection of our Merchant-men. time of Peace with Spain, it will (if we have Enemies) be better to have two Ports than one; in time of War with Spain, much better have this than none: And even in the time of Peace, it must be serviceable upon many Occasions, because of its Situation on the Barbary side, as I take it, and Cadiz on the Christian Shore, and both near the Streights Mouth, the greatest Passage for Ships in the World. And by parting with it, we may not only be prejudiced for want of the Conveniency of it, but by the great Inconveniencies that may arise, by falling into the Hands of the French, Turks, Moors or Spaniards. And therefore I think the Charge of maintaining it must not be considered in this Case; and it is not fo much, but that if we could once fall into the way of fending good Governors there, that would mind the promo-ting of Trade, haply the Gains that might be levied thereon would in some time prove sufficient to maintain the Garrison. And if we should now part with it, we should lose the two Millions we have laid out on the Mole, which I think may also be worth our Consideration. Sir, I do well remember what a Cry there was in this Nation, upon the delivery up of Dunkirk to the French; I believe if Tangier should be delivered up, there would be more, and I think not without cause too: For I am afraid, that whenever we may have a War with France, we shall find that he hath already too many Locks upon us in the Streights, feeing he is so formidable at Sea. And I think if it were for no other Reason but to secure the Place out of his Hands, we ought to keep the Possesfion of this Place.

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Mr. Speaker, Sir, by the Discourse which the worthy Anno 32 Car, II. Member made who fpoke last, I hope you are fully satisfy'd that Tangier is a Place of great importance, and you may conclude that his Majesty is clearly of that Opinion, or else it Sir L. Jenis not likely, that after he had recommended it to you in his kins. Speech, he would now so soon have minded you of it again by his Message. And being so, I hope this House will not have the Loss of it lie at their Doors, which I take for granted, will be the Fate thereof, if some supply be not given for its support speedily: For his Majesty's Revenue will not bear the advancing of more Money towards it, the great Supplies lately fent having been very chargeable; and yet there must be an additional Supply, and that a considerable one too, ere long, to make up the Garrison four thousand Men, or else the Governor writes he cannot be in a Posture to defend the

Town, the Army of the Moors is so potent. Sir, I have heard the many Reasons that have been given, why Money cannot be at prefent advanced, I cannot fay, without being much concerned to hear the Ministers so arraigned, and I think without cause; for I believe there are none about his Majesty but what are very good Protestants, and willing to do all they can for that Interest: Which I hope upon a farther Confideration will not be found to be in fuch apparent danger. But if there be any thing amis, which in the Management of so great Affairs under such Difficulties as the Nation hath lately struggled under, may possibly be, I am confident the loss of Tangier will no way remedy it; but, on the contrary, the giving of Money for the Support of Tangier, being his Majesty doth so earnestly desire it, is, I think, the only way of this House to gain a good Opinion with his Majesty, and to obtain what they desire; and therefore I hope you will take it into your Consideration.

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'Mr. Speaker, Sir, my Apprehensions as to the State of Sir F. Wine the Nation, and Danger of Popery, are no way abated by nington. what this honourable Member hath faid; and therefore I think the Business of Tangier looks too little for this Day's Debate; especially if we consider how the Bill, upon which all our Hopes were grounded, as to the Security of our Religion, hath been used by the Lords, thrown out without so much as a Conference, whereas they do not usually do so, with Bills that relate to some little Trade. It is strange that after they have so often declared the Danger of Popery, and a Popish Plot, they will neither receive any Remedy from us, nor propose any to us. But rather, on the contrary, be so industrious to blast all our Endeavours that tend that way; well may we be afraid of our Religion, if the Fathers of the Church will join, in being against the only Means that can lave it. These are fresh Instances of the mighty Power and Influence

Anno. 12 Car. II. Influence of a Popilh Successor; what may we expect from them if we should have a Popish King? I think, Sir, it there were no other Reason, it is enough to make us cautions how we give Money; and to take fuch notice of it in our Address as may be convenient.

Sir William Temple.

Mr. Speaker, Sir, this Debate hath more of Weight in it, than the Buliness of Tangier, I think. As Affairs now fland, the most Part of Christendom is concerned in it. I am fure all the Protestants. And therefore I hope your Patience will hold out, to have the whole Circumstances of it fairly examined: For the Arguments that have been offered in the Confideration of this Message, have inlarged the Debate farther than was at first intended, and have brought the whole State of the Nation in some measure before you, instead of that one particular Business of Tangier; so that now what Resolve you make will be a Discovery of your Inclinations, not only as to what you intend to do as to a Supply for Tangier, but as to giving Money for Alliances and all other Occasions, upon which Refult, the good or bad Success of this Parliament doth depend. As to Tangier, I do agree with that worthy Member that fooke before, (though many are of a different Opinion) that it is not of any great use to us upon the account of any Advantage we shall make by it. But however, I think it is very well worth our keeping, because of the Disadvantages we should receive by it, if it should fall into the Hands either of the Turk, or Spaniard, but especially the French; who will not only be thereby enabled to fetter us, as to our Trade in the Levant, but to curb also all other Nations whatfoever, and be fuch an Addition to the roo great Power he harh acquired, both by Sea and Land already, that I am of Opinion, we ought to be very cautious how we weaken the Security we now have that it shall not fall into his hands. But if the Mole and the Town could be blown into the Air, or otherwise reduced into its first Chaos, I think, confidering the Charge it will cost keeping, England would not be much the worse for it; but to move you to consider any thing about that, at this time, cannot be proper, because the Moors have so besieged it, that the first Thing that must be done, whether in order to keep it, or destroy it, is, to beat them off, by some fpeedy Supplies which must be presently sent, or else the Town, according to the best Information come from thence, is like to be loft. And, Sir, I think this fingle Confideration may be persualive to move you to give some such Supply, as may be precifely necessary for the Defence and Protection of this Place. A finall Sum of Money, in comparison of what this House hath formerly given, may be fufficient

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sufficient to satisfy his Majesty's Expectation, and secure the Anno 32 Car. II. Place too. But I must confess, Sir, it is not the Consideration of Tangier that makes me press you to it; but the deplorable Estate of the Protestants abroad. Sir, I have had the Honour to serve his Majesty in some Public Employments, and by that means may be a little more fenfible of the State of Affairs in reference to our Neighbours, than others may be, having not only had the Advantage of Information, but was under a necessity of using my best Endeavours to get a true Account of them. Sir, I am confident the Eyes of all Europe are upon this Parliament: and not only the Protestants abroad, but many Catholic Countries, (who stand in fear of the Power of France) do think themselves as much concerned in the Success of this Parliament, as this House, and will be as much perplexed to hear any Ill-News thereof. This, Sir, as well as the Necessities of our Affairs at home, makes me trouble you at this Time, to defire you to be careful what you do. that we may not occasion in his Majesty any dislike to Whatever you do as to the Business of Money for Tangier, I pray, Sir, let there be no notice taken in your Address, of the Lords having cast out your Bill; for we have no reason to think the King was any ways concerned therein. To throw out a Bill of fo great Importance, without a Conference, was, in my humble Opinion, very firange, and contrary to the usual Proceedings of that House. But pray, Sir, let it lie at their doors that did it, for the King could not be concerned in a Parliamentary Way. For by this means we may obviate all Misunderstandings with his Majesty about this Affair, and, I hope, create in him a good Opinion of this House, upon which the Welfare not only of this Nation, but of Europe, doth much depend.

'Sir, his Majesty in his Message puts you in mind of giving Advice as well as Money. I think if we make that Expression the ground of our Address, we may naturally graft very good Things thereon, especially what may conduce to the Preservation of a fair Correspondence. Sir, Though a King alone cannot save a Kingdom, yet a King alone can do very much to ruin it: and though Parliaments alone cannot save this Kingdom, yet Parliaments alone may do much to ruin it. And therefore we cannot be too circumspect in what we do. It is our Fortune to fit here in a critical Time, when not only the Affairs of this Nation, but the Protestant Religion abroad, need our Continuance; and for the same reason we may justly fear, that there are those who endeavour to contrive the putting off this Parliament. I pray, Sir, let us not give them any Ad-

vantage,

1680. Edward Deer-

Anno 32 Car. II. vantage, and then I doubt not but his Majesty's Care and Goodness will at last overcome all Difficulties, and bring

this Seffion to a happy Conclusion.

' Mr. Speaker, Sir, I think his Majesty may easily send Succour to Tangier without any great Charge. Here are three or four Regiments of Soldiers about this Town, which do rather hurt, than good to the Nation; and therefore may very well be spared; and then that Money which pays them now here, may pay them there, and fo I suppose there will be no need of Money, save

only for their Transportation."

'Mr. Speaker, Sir, This Business hath been so long and fairly debated, as that I think it is high time you should come to a Question, and put the Business off your Hands, I hope there will be great care taken in drawing this Address, that so our Enemies may not have any ground to represent us as a stubborn Parliament, that have no Intention to give Money upon any Terms whatfoever. I think, Sir, we may be plain with his Majesty, and give him as full Affurance as ever any House of Commons did, that when we have those Things granted, which are unavoidably neceffary for the Preservation of our Religion, that we will freely and heartily give Money for the Supply of his Occasions; and I cannot but hope, that such fair Proceedings will occasion a happy Issue to this Parliament. For it cannot be doubted, but that the King is very fenfible, That he owes more to his People in general, than to any one Man, be he Brother, or any other Relation; and that he cannot, without much trouble to himself, because of his Coronation Oath, longer permit that our Laws and Religion should be in such imminent danger. And therefore I hope that we shall not only have a fair Correspondency continued, but also a gracious Compliance, in what we have desired for the effectual Security of our Religion, and therefore would defire you to put the Question for a Committee.'

Resolved, That a Committee be appointed to draw up an Address to be presented to his Majesty, upon the Debate of the House, humbly representing to his Majesty the dangerous State and Condition of the Kingdom, in answer to his

Majesty's Message.

The humble Address of the Commons in Parliament affembled.

The Commons Address.

May it please your most excellent Majesty, We your Majefty's most obedient and loyal Subjects, the Commons in Parliament affembled, having with all Duty and Regard taken into our serious Consideration, your Majesty's late Message relating to Tangier, cannot but account the Present Condition of it, as your Majesty is pleased to represent it in your sacred Message, (after so vast a Treasure expended to make it useful) not only Anno 32 Car. II. as one Infelicity more added to the afflicted effate of your Majesty's faithful and loyal Subjects, but as one Resist also of the same Counsels and Designs, which have brought your Majesty's Person, Crown and Kingdoms, into those great and imminent Dangers, with which at this Day they are furrounded; and we are the less surprized to hear of the Exigencies of Tangier, when we remember; that, fince it became part of your Majesty's Dominions, it hath several times been under the Command of Popish Governors, (particularly for some time under the Command of a Lord impeached, and now Prisoner in the Tower for the execrable and horrid Popish Plot) that the Supplies fent thither have been in great part made up of Popish Officers and Soldiers, and that the Irish Papists among the Soldiers of that Garrison, have been the Persons most countenanc'd and encouraged.

'To that Part of your Majesty's Metsage, which expresses a Reliance upon this House for the support of Tangier, and a recommendation of it to our speedy care, we do with all Humility and Reverence give this Answer: That although in due time, and order, we shall omit nothing incumbent on us for the Preservation of every Part of your Majesty's Dominions, and advancing the Prosperity and slourishing Estate of this Kingdom; yet at this Time, when a Cloud, which has so long threatned this Land, is ready to break on our Heads in a Storm of Ruin and Consusion, to enter into any farther Consideration of this Matter, especially to come to any Resolution in it, before we are essectivally secured from the imminent and apparent Dangers, arising from the Power of Popish Persons and Counsels, we humbly conceive will not consist either with our Duty to your Majesty, or the Trust reposed

in us by those we represent.

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'It is not unknown to your Majesty, how restless the Endeavours, and how bold the Attempts of the Popish Party, for many Years last past, have been, not only within this, but other your Majesty's Kingdoms, to introduce the Romish, and utterly to extirpate the true Protestant Religion. The feveral Approaches they have made towards the compaffing this their Design (affisted by the Treachery of perfidious Protestants,) have been fo strangely successful, that it is matter of Admiration to us, and which we can only afcribe to an overruling Providence, that your Majesty's Reign is still continued over us, and that we are yet affembled to confult the means of our Preservation. This bloody and restless Parry, not content with the great Liberty they had a long time enjoyed, to exercise their own Religion privately amongst themselves, to partake of an equal Freedom of their Persons and Estates, with your Majesty's protestant Subjects, and of an Advantage TOME I.

Anno 32 Car. II. above them, in being excused from chargeable Offices and Employments, hath so far prevailed, as to find countenance, for an open and avowed Practice of their Superfition and Idolatry, without controul, in feveral Parts of this Kingdom. Great Swarms of Priests and Jesuits have resorted hither, and have here exercised their Jurisdiction, and been daily tempering to pervert the Consciences of your Majesty's Subjects.

'Their Opposers they have found means to disgrace; and if they were Judges, Justices of the Peace, or other Magistrates, to have them turned out of Commission; and in contempt of the known Laws of the Land, they have practifed upon People of all Ranks and Qualities, and gained over divers to their Religion; some openly to profess it, others secretly to

espouse it, as most conduced to the Service thereof.

After some time they became able to influence Matters of State and Government; and thereby to destroy those they cannot corrupt. The continuance, or prorogation of Parliaments, has been accommodated to ferve the Purposes of that Party. Money raised upon the People to supply your Majesty's extraordinary Occasions, was, by the prevalence of Popish Councils, employed to make War upon a Protestant State, and to advance and augment the dreadful Power of the French King; though to the apparent hazard of this, and all other Protestant Countries. Great numbers of your Majefly's Subjects were fent into, and continued in the Service of that King, notwithstanding the apparent Interest of your Majesty's Kingdoms, the Addresses of the Parliament, and your Majesty's gracious Proclamations to the contrary. Nor can we forbear to mention, how that, at the Beginning of the same War, even the Ministers of England were made Instruments to press upon that State, the acceptance of one Demand, among others, from the French King, for procuring their Peace with him, that they should admit the public Exercise of the Roman Catholic Religion in the United Provinces; the Churches there to be divided; and the Romish Priests maintained out of the public Revenue.

At home, if your Majesty did at any time, by the Advice of your Privy Council, or of your two Houses of Parliament, command the Laws to be put in execution against the Papists, even from thence they gained Advantage to their Party, while the Edge of thole Laws was turned against the Protestant Diffenters; and the Papists escaped, in a manner, untouched. The Act of Parliament, enjoining a Test to be taken by all Persons admitted into any public Office, and intended for a Security against Papifts coming into Employment, had so little Effect, that, either by a Dispensation obtained from Rome, they submitted to those Tests, and held those Offices themselves; or

those put in their Places were so favourable to the same In- Anno 32 Car. II. terests, that Popery itself rather gained, than lost ground

fince that Act.

But that their Business in hand might yet more, speedily and strongly proceed, at length a Popish Secretary (since executed for his Treasons) takes upon him to fet on foot and maintain Correspondencies at Rome, (particularly with a native Subject of your Majesty's, promoted to be a Cardinal) and in the Courts of other foreign Princes (to use their own Form of Speech) for the subduing that pestilent Heresy, which has so long domineered over this northern World; that is, to root the Protestant Religion out of England, and thereby to make way the more eafily, to do the fame in other Protestant Countries.

' Towards the doing of this great Work, (as Mr. Coleman was pleased to call it) Jesuits (the most dangerous of all the Popish Orders, to the Lives and Estates of Princes) were distributed to the feveral Precincts within this Kingdom, and held joint Councils with those of the same Order, in all neighbouring Popish Countries: Out of these Councils and Correspondencies was hatched that damnable and hellish Plot, by the good Providence of Almighty God, brought to light above two Years fince, but still threatning us; wherein Traytors, impatient of longer Delay, reckoning the prolonging of your facred Majesty's Life, (which God long preferve) as the great Obstacle in the way to the Consummation of their Hopes; and having in their Prospect a proselyted Prince, immediately to fucceed in the Throne of these Kingdoms, resolved to begin their Work with the Assassination of your Majesty; to carry it on with armed Force: to destroy your Protestant Subjects in England; to execute a second Maffacre in Ireland; and so with Ease to arrive at the suppression of our Religion, and the subversion of the Govern-

'When this accurfed Conspiracy began to be discovered, they began the smothering it up with the barbarous Murder of a Justice of the Peace, within one of your Majesty's own Palaces, who had taken some Examinations concerning it.

'Amidst these Distractions and Fears, Popish Officers for the Command of Forces, were allowed upon the Musters, by special Orders (surreptitiously obtained from your Majesty) but counter-figned by a Secretary of State, without ever passing under the Tests prescribed by the aforementioned Act of Parliament. In like Manner, above fifty new Commissions were granted about the same time to known Papists, belides a great number of desperate Popish Officers, though out of Command, yet entertained at Half-Pay. When in the next Parliament, the House of Commons were prepared LIII2

Anno 32 Car. II. to bring to a legal Trial the principal Conspirators in this Plot, that Parliament was first prorogued, and then dissolved. The Interval between the calling and fitting of this Parliament was fo long, that now they conceive Hopes of covering all their patt Crimes, and gaining a feafonable Time and Advantages of practifing them more effectually.

Witnesses are attempted to be corrupted, and not only Promises of Reward, but of the favour of your Majesty's Brother, made the Motives to their Compliance! Divers of the most considerable of your Majesty's Protestant Subjects have Crimes of the highest Nature forged against them; the Charge to be supported by Subornation and Perjury, that they may be destroyed by Forms of Law and Justice.

' A Presentment being prepared for a Grand-Jury of Middlesex, against your Majesty's said Brother, the Duke of York (under whose Countenance all the rest shelter themselves) the Grand-Jury were, in an unheard of, and un-precedented, and illegal Manner, discharged; and that with so much haste and fear, lest they should finish that Prefentment, that they were prevented from delivering many other Indictments, by them at that Time found against other Popish Recusants. Because a Pamphlet came forth weekly, called, The weekly Pucket of Advice from Rome; which exposes Popery (as it deserves) as ridiculous to the People; a new and arbitrary Rule of Court was made in your Majesty's Court of King's Bench, (rather like a Star-Chamber, than a Court of Law) That the same should not, for the future, be printed by any Person whatsoever.

"We acknowledge your Majesty's Grace and Care, in issuing forth divers Proclamations since the Discovery of the Plot, for the banishing Papists from about this great City, and Residence of your Majesty's Court and the Parliament; but with Trouble of Mind do we humbly inform your Maj sty, That, notwithstanding all these Prohibitions, great Numbers of them, and of the most dangerous Sort, to the Terror of your Majesty's Protestant Subjects, do daily refort hither, and abide here. Under these, and other sad Effects and Evidences of the Prevalency of Popery, and its Adherents, We your Majesty's most faithful Commons found this your Majesty's distressed Kingdom, and other Parts of

your Dominions, labouring, when we affembled. ' And therefore from our Allegiance to your Majesty, our Zeal to our Religion, our Faithfulness to our Country, and our Care of Posterity, We have lately, upon mature Deliberation, proposed one Remedy of these great Evils; without which (in our Judgments) all others will prove vain and fruitless; and (like all deceitful Securities against certain Dangers) will rather expose your Majesty's Person to the

great Hazard, and the People, together with all that's va- Anno 32 Car. II. luable to them, as Men or Christians, to utter Ruin and We have taken this Occasion of an Access Destruction. to your Majesty's royal Presence, humbly to lay before your Majesty's great Judgment and gracious Consideration, this most dreadful Design of introducing Popery, and as neces-fary Consequences of it, all other Calamities, into your Majesty's Kingdoms. And if, after all this, the private Suggestions of the subtle Accomplices of that Party and Design should yet prevail, either to elude, or totally obstruct the faithful Endeavours of Us your Commons, for an happy Settlement of this Kingdom, We shall have this remaining Comfort, That we have freed ourselves from the Guilt of that Blood and Desolation which is like to ensue. But our only Hope, next under God, is in your Sacred Majesty, That, by your great Wisdom and Goodness, we may be effectually secured from Popery, and all the Evils that attend it: And that none but Persons of known Fidelity to your Majesty, and sincere Affections to the Protestant Religion, may be put into any Employment, civil or military; that whilst we shall give a Supply to Tangier, we may be affured we do not augment the Strength of our Popish Adversaries, nor encrease our own Dangers. Which Desires of your faithful Commons, if your Majesty shall graciously vouchsafe to grant, we shall not only be ready to affift your Majesty in Defence of Tangier, but do whatsoever else shall be in our power, to enable your Majesty to protect the Protestant Religion and Interest at home and abroad; and to refift and repel the Attempts of your Majesty's, and the Kingdom's Enemies.'

The same day a Debate arising in the House, on a Mo- Proceedings tion for an Address to his Majesty to remove George Earl against the of Hallifax from his Majesty's Presence and Councils for Earl of Halliever; the Question was put to adjourn the said Debare, and fax. pass'd in the Negative, Yeas 95, Noes 219. After which

the faid Address was voted.

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The 19th, the House agreed to the Address concerning

Sir George Jefferies, which was as follows:

"We your Majesty's most dutiful and loyal Subjects, &c. Address conhaving received a Complaint against Sir George Jefferies, cerning Sir Knt. your Majesty's Chief Justice of Chester, and heard the George Jefferies. Evidence concerning the same, and also what he did alledge and prove in his Defence; and being thereupon fully fatisfied that the said Sir George Jefferies, well-knowing, that many of your Protestant Subjects, and particularly those of your great and famous City of London, out of Zeal for the Prefervation of the Protestant Religion, and your Majesty's Person and Government, and in hopes to bring the Popish Conspi-

Anno 12 Car. II. rators to speedy Justice, were about to petition to your Majesty in an humble, dutiful and legal way, for the sitting of this Parliament; the faid Sir George Jefferies not regarding his Duty to your Majesty, nor the Welfare of your People. did, on purpose to serve his own private Ends, and to create a Misunderstanding between your Majesty and your Subjects, tho' disguis'd with the Pretence of Service to your Majesty, maliciously declare such Petitioning sometimes to be tumultuous, feditious and illegal; and, at other times, did presume publickly to infinuate and affert, as if your Majefty would deprive the Citizens of London of their Charters, and divers other Privileges and Immunities, and Advantages; and alfo, of your Royal Favour: And in case they should so petition, there should not be any Meeting or Sitting of Parliament: thereby traducing your Majesty, as if you would not pursue your gracious Intentions, the rather because they were grateful to your good Subjects, do, in most humble manner, beseech your Majesty to remove the said Sir George Jefferies out of the said Place of Chief-Justice of Cheffer. and out of all other public Offices and Employments under your Majesty.'

Sir Gilbert Gerticles of Impeachment agaipft Edward Seymour Efq;

His Majesty's Reply was, 'That he would consider of it.' The 26th, Sir Gilbert Gerrard acquainted the House, sard prefers Ar- That he had Articles of Impeachment of High Crimes, Misdemeanours and Offences, against Edward Seymour Esq; a Member, and Treasurer of the Navy; the Contents of

which were to the following Effect:

1. That whereas 584,9781. was appropriated by Act of Parliament for the Building 30 Ships of War, and it was enacted that the Treasurer of the Navy should keep all Monies paid on that Account distinct and a-part from all other Monies, and should issue the same by Warrant of the principal Officers and Commissioners of the Navy, to the said specify'd Use, and to no other whatever: The said Edward Seymour, being Treasurer of the Navy, contrary to his Duty, had lent the Sum of 90,000 l. at 8 per Cent. Part of the Sum above-mentioned, towards the Support and Continuance of the Army, after such time as by Act of Parliament the faid Army ought to be disbanded; whereby the faid two several Acts were eluded, and the faid Army was kept on foot, to the great Disturbance, Hazard, and Danger of the Peace, and Safety of this Kingdom; and the Nation was afterwards put to a new Charge of railing 200,000 l. for the disbanding the faid Army.

2. That whereas a Poll-Tax was granted to enable his Majeffy to enter into an actual War with France, and for the Repayment of any fuch Persons as should furnish his Majefry with Money or Stores for that end: And whereas

certain East-Land Merchants did supply great Quantities of Anno 32 Cat. II. Naval Stores, on being affur'd that 40,000 l. Part of the Money rais'd by the faid Act, was at that time actually in the hands of the faid Edward Seymour, which he likewise acknowledged, and did promise to pay the said Merchants in part of Satisfaction for the faid Stores; he the faid Edward Seymour did iffue out the faid Sum to the Victuallers of the Navy by way of Advance for Provisions not brought in, contrary to the Meaning of the faid Act, and of which the faid Merchants did complain in Parliament.

2. That the faid Edward Seymour being Treasurer of the Navy, and then, and still having a Salary of 2000 l. per Annum clear for the same, during the time he was Speaker for the late long Parliament, did receive out of the Monies appointed for secret Service the yearly Sum of 30001. over and above the faid Salary, which was constantly payed to him, as well during the Intervals, as the Sessions of Parliaments; and particularly during the Prorogation of fifteen

Months.

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4. That during the Dutch War, the faid Edward Seymour being one of the Commissioners of Prizes, did fraudulently and unlawfully unlade a Prize-Ship, without Order or Authority, and did house the Lading of the faid Ship, and lock up; and afterwards, without the Presence of any Store-Keepers, did fell the same for Muscovado Sugars, and did account with his Majesty for the same as such: when in truth, the faid Ship was laden with Cochineal, Indigo, and other Merchandizes of a great Value.

Order'd, That Sir Edward Seymour have a Copy of the faid Articles; and that he do put in his Answer the 25th.

The 22d, Mr. Trenchard, according to Order, exhibiting the Address to his Majesty to remove the Earl of Hallifax, when a Motion was made to re-commit the faid Address; but pass'd in the Negative, Yeas 101, Noes 213. After which, some Amendments being made to it, it was agreed to by the House, and was as follows:

'Most gracious Sovereign, We your Majesty's most du-Address to re-tiful and loyal Subjects, &c. being deeply sensible of the move Lord manifold Dangers and Mischiefs that have been occasioned Hallifax. to your Kingdom by the Dissolution of the last Parliament, and by the frequent Prorogations of the present Parliament, whereby the Papists have been greatly encouraged to carry on their wicked and damnable Conspiracies against your Royal Person and Government, and the Protestant Religion now established amongst us, have had many opportunities to contrive false and malicious Plots against the Lives and Honours of several of your loyal Protestant Subjects; und

having just reason to believe, that the said Dissolution was

promoted

Anno 32 Car.II. promoted by the evil and wicked Councils of George Earl of Hallifax, do, therefore, most humbly pray your Majesty: for the taking away all Occasion of Distrust and Jealousies, between your Majesty and us your loyal Commons; and that we may with greater Chearfulness, proceed to perfect those Matters now before us, which tend to the Safety and Honour of your facred Person and Government, and the Preservation of the true Protestant Religion, both to ourselves and our Posterity, That you would be graciously pleased to remove the faid George Earl of Hallifax from your Presence and Councils for ever.

To this Address, some days after, his Majesty was pleas'd

to fend the following Answer.

. C. R.

His Majeffy's

' His Majesty, having receiv'd the Address of this House, relating to the Earl of Hallifax, has thought fit to return this Answer: That he conceives the said Address to be

biable to feveral Exceptions: But, having a great Defire to preserve all possible good Understanding with this House,

he chuses to decline to enter into Particulars, to avoid all

Occasions of Dispute.

He, therefore, thinks fit to tell them, That he doth onot find the Grounds in the Address of this House to be fufficient to induce him to remove the Earl of Hallifax.

But he answers them at the same time, that whenever the House shall, in a due and regular course, prove any Crime either against the said Earl of Hallifax, or any other Person, who either now is, or hereafter shall be in his

Council, he will leave him or them to their own legal

Defence, without interpoling to protect them.

The 23d, both Houses agreed to address his Majesty to appoint a Day to be folemnly fet apart, wherein both themfelves and all his Majesty's Subjects might, by Fasting and Prayer, endeavour a Reconciliation with Almighty God, and with humble and penitent Hearts implore him by his Power and Goodness to divert those Judgments (before enumerated) and defeat the wicked Councils and Devices of our Enemies, Oc.

The fame day, feveral Persons being examined about the dismissing of a Grand-Jury in Middlesex, the following De-

bate enfued.

' Mr. Speaker, Sir, the Preservation of the Government in general, as well as our particular Safeties, have a dependance upon the Matter that is now before you; in which there are so many Miscarriages so complicated, as there ariseth some Difficulty how to examine them. I cannot but observe, how the Proclamation is here again mentioned; by which you may conclude there lieth a great weight on the People's

Answer.

Both Houses address for a Faft.

Debate on difmissing a Middlesex Grand-Jury. Sir William

Jones.

People's Right to petition by means thereof; and that the Anno 32 Car. II; best way to remove it is, to find out the Advisers and Contrivers of that Proclamation, in order to proceed against them according to their Deferts. Without which, what you have done in afferting the Right of petitioning, will remain with some doubt; and those that advised the proclaiming to the People, that it is seditious to petition the King, without that Chastisement they deserve. And therefore I humbly conceive, you will do well to consider of it as soon as you can. It is not strange, that the Proclamation shall be made use of with Country Gentlemen, to get Abhorrers to petitioning; feeing the Judges themselves have made use of it to that purpose: They should have known, that though a Proclamation might be of great Use, to intimate the Observation of a Law; yet that it had never been used instead of a Law. But yet I do not admire fo much at this, as I do at the Discharge of the Grand-Jury, before they had finished their Presentments. It tends so much to the Subversion of the established Laws of this Land, that I dare pronounce that all the Laws you have already, and all that you can make, will fignify nothing against any great Man, unless you can remedy it for the future. I observe, there were two Reasons why this Grand-Jury were so extrapodicially discharged; one, because they would otherwise have presented the Duke of York for a Papist; the other, because they presented a Petition to be delivered to the King, for the sitting of the Parliament; which they faid it was not their bufiness to deliver. Tho' I cannot but observe, how, upon other occasions, they did receive Petitions, and delivered them to the King; and all the Difference was, that those Petitions so delivered, were against Sittings of Parliaments. The truth is, I cannot much condemn them for it; for if they were guilty of fuch Crimes as the Witnesses have this day given you Information of, I think they had no reason to further Petitions for the Sitting of a Parliament. But, Sir, this Business will need a farther Information; and therefore I humbly pray it may be referred to a Committee.

'Mr. Speaker, Sir, I think we are come to the old Times Sir FrancisWinagain, when the Judges pretended they had a Rule of Go-nington. vernment, as well as a Rule of Law; and that they have acted accordingly. If they did never read Magna Charta, I think they are not fit to be Judges; if they have read Magna Charta, and do thus so contrary, they deserve a severe Chastisement. To discharge Grand-Juries, of purpose to disappoint them of making their Presentments, is to deprive the Subject of the greatest Benefit and Security the Law hath provided for them. If the Judges, instead of acting by Law, shall be acted by their own Ambition; and endeavour Mmm TOME I.

Anno 32 Car. II. endeavour to get Promotions, rather by worshipping the rifing Sun, than by doing justice, this Nation will foon be reduced to a miserable condition. Suppose that after the Discharge of this Grand-Jury, some Person had offered to prefent some Murder, Treason, or other capital Crime, for want of the Grand-Jury there would have been a Failure of Justice. As Faults committed by Judges are of more dangerous consequence than others to the public; so there do not want Precedents of severer Chastisements for them, than for others. I humbly move you, first, to pass a Vote upon this Bufiness, of discharging Grand-Juries; and then to appoint a Committee to examine the Miscarriages of the Judges in Westminster-Hall, and to report the same with all speed to you.'

Silas Titus.

'Mr. Speaker, Sir, as it hath been observed, that this Business hath some reference to the Proclamation; so I believe, there is something of the Plot in it too. And therefore I think if this Plot does not go on, it will have the worst luck that ever Plot had; feeing the Judges, as well as most other Persons in public Places, have given it as much Assistance as they could. But whereas some have spoken ill of thefe Judges, I defire to speak well of them in one thing: I am confident they have herein shewed themselves grateful to their Benefactors; for I do believe, that some of them were preferred to their Places of purpose, because they should do what they have done. Laws of themselves are but dead Letters; unless you can secure the Execution, as well of those you have already, as of those you are now making, we shall spend our Time to little purpose. Therefore I second the Morion that hath been made for a Vote to declare the Sense of the House, as to the discharging of Grand-Juries; and for referring the farther Examination to a Committee.'

William Sacheverel.

' Mr. Speaker, Sir, the Business of this Debate is a great instance of our fick and languishing Condition. As our Ships, Forts, and Caffles, are for fecuring us from the Danger of our Enemies from abroad, fo our Laws from our Enemies at home; and if committed to fuch Persons as will turn their Strength upon us, are equally dangerous. Sir, We all know how the Government of Scotland hath been quite altered fince his Majesty's Restoration, by some Laws made there; pray let us have a care that ours be not altered, by the corrupt Proceedings of Judges, lest we be reduced to the same weak Condition of defending ourselves against Popery and arbitrary Government here, that they are there. If Judges can thus prevent the Penalties of the Law, by difcharging Grand-Juries before they have made their Presentments, and can make Laws by their Rules of Court, I think

the Government may soon be subverted; and therefore it is Anno 32 Car. II high time for this House to speak with those Gentlemen.

In former times several Judges have been impeached, and hanged too, for less Crimes than these; and the reason was because they had broke the King's Oath as well as their own.

If what hath been said of some of these Judges be fully proved, they shall not want my Vote to instict on them the same Chastisement. The truth is, Sir, I know not how the ill Consequences we justly fear from Judges can be prevented, as long as they are made durante bene-placito, and have such Dependencies as they have. But this must be a Work of Time: In order to remedy our present Grievances, let us pass a Vote upon this Business of discharging Grand-Juries; and that it may be penned as the Case deserves. If you please, let it be drawn up by a Committee that may withdraw for that purpose; and let there be also one appointed to examine the Miscarriage of the Judges'

' Mr. Speaker, Sir, I would beg leave to observe to you, Henry Sidney.

because I think it may be necessary to be considered by your Committee, what an opinion was given not long fince by some of these Judges about Printing; which was, that Printing of News might be prohibited by Law; and accordingly a Proclamation issued out. I will not take on me to censure the Opinion as illegal, but leave it to your farther Confideration. But I remember there was a Confultation held by the Judges a little before; and they gave their opinion, that they knew not of any way to prevent Printing by Law; because the Act for that purpose was expired. Upon which, some Judges were put out, and new ones put in; and then this other opinion was given. These things are worthy of a serious Examination. For if Treafurers may raise Money by shutting up the Exchequer, borrowing of the Bankers, or Retrenchments; and the Judges make new Laws by an ill Conftruction, or an ill Execution, of the old ones: I conclude, that Parliaments will foon be found useless; and the Liberty of the People an Inconvenience to the Government. And therefore, I think, Sir, you have been well moved to endeavour to pass your Censure on some of these illegal Proceedings by a Vote; and to refer the farther Confideration to a Committee.'

'Mr. Speaker, in the Front of Magna Charta it is said, Sir Francis Winnulli negabimus, nulli differenus justitiam; we will defer, or nington deny Justice to no Man: To this the King is sworn, and with this the Judges are entrusted by their Oaths. I admire what they can say for themselves; if they have not read this M m m 2

^{*} As it seems strange that the same Person should speak twice to the same purpose in the same Debate, it must be supposed a Mistake, thou be we have not sufficient light left us to rectify it.

Anno 32 Car. II. Law, they are not fit to fit upon the Bench: And if they a680. have, I had almost said, they deserve to lose their Heads.

' Mr. Speaker, the State of this poor Nation is to be deplored, that in almost all Ages, the Judges who ought to be Preservers of the Laws have endeavoured to destroy them; and that to please a Court-Faction, they have by Treachery attempted to break the Bonds afunder of Magna Charta, the great Treasury of our Peace. It was no sooner passed, but a Chief Justice (Hubert de Burg) in that day, persuades the King he was not bound by it; because he was under Age when it was passed. But this fort of Insolence the next Parliament resented, to the Ruin of the pernicious Chief Juflice. In the time of Richard II. an unthinking diffolute Prince, there were Judges that did infinuate into the King, that the Parliament were only his Creatures, and depended on his Will, and not on the fundamental Constitutions of the Land: which treacherous Advice proved the Ruin of the King; and for which all those evil Instruments were brought to Justice. In his late Majesty's time, his Missortunes were occasioned chiefly by the Corruptions of the long Robe; his Judges, by an extrajudicial Opinion, gave the King Power to raise Money, upon any extraordinary occasion, without Parliament; and made the King Judge of fuch Occasions: Charity prompts me to think they thought this a Service to the King; but the sad Consequences of it may convince all Mankind, that every illegal Act weakens the Royal Interest; and to endeavour to introduce absolute Dominion in these Realms, is the worst of Treasons: Because whilst it bears the Face of Friendship to the King, and defigns to be for his Service, it never fails of the contrary Effect.

The two great Pillars of the Government, are Parliaments and Juries; it is this gives us the Title of freeborn Englishmen: For my Notion of free Englishmen is this, that they are ruled by Laws of their own making, and tried by Men of the same condition with themselves. The two great and undoubted Privileges of the People, have been lately invaded by the Judges that now sit in Westminster-Hall; they have espoused Proclamations against Law; they have discountenanced and opposed several legal Acts, that tended to the Sitting of this Honourable House; they have grasped the Legislative Power into their own hands, as in that Instance of Printing; the Parliament was considering that Matter, but they in the interim made their private Opinion to be Law, to superfede the Judgment of this House. They have discharged Grand-Juries, on purpose to quell their Presentments, and shelter great Criminals from Justice; and when Juries have presented their Opinion for the Sit-

ting of this Parliament, they have in Difdain thrown them Anno 32 Car. It. at their Feet, and told them they would be no Metlengers to carry such Petitions; and yet in a few days after, have encouraged all that would fpit their venom against the Government: they have ferved an ignorant and arbitrary Faction, and been the Meffengers of Abhorrences to the King.

'Mr. Speaker, what we have now to do, is to load them with Shame, who bid defiance to the Law: They are guilty of Crimes against Nature, against the King, against their Knowledge, and against Posterity. The whole Frame of Nature doth loudly and daily petition to God their Creator; and Kings, like God, may be addressed to in like manner, by Petition, not Command. They likewife knew it was lawful to petition: Ignorance can be no Plea, and their Knowledge aggravates their Crimes; the Children unborn are bound to curse such Proceedings, for twas not Petitioning, but Parliaments they abhorred. The Atheist pleads against a God, not that he disbelieves a Deity, but would have it so. Tresilian and Belknap were Judges too; their Learning gave them Honour, but their Villainies made their Exit by a Rope. The End of my Motion therefore is, that

purge the Fountain, and the Streams will iffue pure." Resolved, That the discharging of a Grand Jury by any Votes in conse-Judge, before the End of the Term, Assizes, or Selsions, quence of this while Matters are under their Confideration, and not pre- Debate. sented, is arbitrary, illegal, destructive to public Justice, a manifest Violation of his Oath, and is a means to subvert

we may address warmly to our Prince against them: Let us settle a Committee to enquire into their Crimes, and not fail of doing justice upon them that have perverted it; let us

the fundamental Laws of this Kingdom.

Resolved. That a Committee be appointed to examine the Proceedings of the Judges in Westminster-Hall, and report

the same, with their Opinion thereon, to this House.

The 24th, Mr. Attorney-General being call'd in, and examin'd touching the manner of issuing forth the Proclamation, stiled, A Proclamation against tumultuous Petitioning; and giving account to the House, that Sir Francis North, Chief Justice of the Common-Pleas, was advising and affifting at the faid drawing and paffing the faid Proclamation: It occasion'd a Debate, which terminated in the following Resolution:

'That the Evidence this Day given to this House against An Impeach-Sir Francis North, Chief-Justice of the Common Pleas, is ment order'd afushcient ground for this House to proceed upon an Impeachment against him for high Crimes and Misdemeanours; and the Heads of an Impeachment were ordered to be prepared

accordingly."

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Anno 32 Car.H. 168p. nother against Mr. Seymour.

The 26th, the House resumed the Impeachment of Mr. Seymour. Refolv'd nem. con. That there was Matter fufficient to impeach the faid Mr. Seymour, on every Article exhibited against him; and order'd, that a Committee be appointed to prepare the faid Impeachment.

The 27th, in compliance with a Message from the Lords, a Committee was appointed to meet a Committee of the Lords to adjust the Methods and Circumstances in the Trial

of the Lord Viscount Stafford.

Report from the

The 29th, Sir William Jones reported from the faid joint joint Committee Committee, That the faid Committee did meet on Saturday of both Houses last, and that the Committee of the Lords being ask'd by the relating to Lord Committee of this House, whether their Lordships had any Stafford's Trial. Propositions to make to the said Committee, touching the Methods to be observed in the Trials of the Lords in the Tower? Their Lordships made answer, that the Lords had fent down a Paper to this House, containing several Propofitions, and that the Committee Lords knew of no other Propolitions.

> That their Lordships being ask'd, whether the Commisfion of the Lord High-Steward was drawn in the fame manner as that in the last Parliament; and whether the Clause cujus Prasentia in bac Parte requiritur, were inserted: Their Lordships answer'd, that they could not give any account thereof; but that they would make Report of the faid Propolitions to the House of Peers, and would afterwards give

answer to the Committee therein.

That their Lordships being ask'd, whether they would give any affurance that the Lords Spiritual would be absent at the Trials? Their Lordships answer'd, that they had no power from the House of Lords to give any account in that matter; but that their Lordships would report the same to the House of Peers, and return an Answer to the said Committee at the next Meeting, which was agreed to be that day at 12 o'clock.

The same day the House resolv'd to come as a Committee to the Trial of the Lord Stafford, upon the Impeachment of

the Commons.

The same day likewise, Sir William Jones made his second Report from the joint Committee, viz.

' That the Committee being met, their Lordships return'd an Answer to several Propositions made by the Committee of

their House as follows:

'That as to the Question, whether the Lord High Steward's Commission be the same as it was the last Parliament, the Lords answered that the Commission differ'd not from the former, otherwise than that the Name of the Lord High-Steward is inferted in this, in the Place where

The fecond Report.

the Names of the five Popish Lords impeached, were insert- Anno 32Car.II. ed in the last.

'That, as touching the Lords Spiritual, their Lordships have return'd Assurance that they will not be present at the Trial.

'That their Lordships acquainted the said Committee, that the Prisoner is to be brought to-morrow Morning, at 10 o'clock.

That the said Committee having acquainted the Lords Committee with the Vote of this House of coming to the Trial of Lord Stafford as a Committee, made a Proposal to the said Lords, taking no notice of the Rules sent down from the Lords, viz. That when the Commons should be ask'd any Question in the Trial, they should apply themselves to the Lord High-Steward; and that the Committee making some Exceptions thereto, they taking the Lord High Steward not as a necessary Part of the Court, but only as the Speaker of the House of Lords; alledging, that when the Commons speak to the Court, they ought to say, My Lords, not My Lord, or your Grace: and that then the Committee adjourn'd to nine o'clock to-morrow Morning.'

End of the First TOME.



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